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Promotion and protection of the rights of children

Report of the Third Committee

Rapporteur: Ms. Nicola **Hill** (New Zealand)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session the item entitled:

"Promotion and protection of the rights of children:

"(a) Promotion and protection of the rights of children;

"(b) Follow-up to the outcome of the special session on children"

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item at its 13th to 17th, 34th, 45th and 47th meetings, from 14 to 16 and on 29 October and 20 and 24 November 2009, and took up proposals relating to the item at its 34th, 45th and 47th meetings, on 29 October and 20 and 24 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/64/SR.13-17, 34, 45 and 47).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the girl child (A/64/315);

(b) Report of the Secretary-General on the status of the Convention on the Rights of the Child (A/64/172);

(c) Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/64/254);

(d) Note by the Secretariat on the appointment of the Special Representative of the Secretary-General on Violence against Children (A/64/182-E/2009/110);

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(e) Report of the Secretary-General on the follow-up to the special session of the General Assembly on children (A/64/285).

4. At its 13th meeting, on 14 October, the Committee heard introductory statements by the Special Representative of the Secretary-General for Children and Armed Conflict, the Deputy Executive Director of the United Nations Children's Fund (UNICEF), the Special Representative of the Secretary-General on Violence against Children and the Deputy Director of the New York office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) (see A/C.3/64/SR.13).

5. At the same meeting, the presenters responded to questions raised and comments made by the representatives of Sweden (on behalf of the European Union), Chile, Iraq, Norway, Iran (Islamic Republic of), Egypt, Uruguay, Australia, the United States of America, India, the Syrian Arab Republic, Côte d'Ivoire, Israel, Malaysia and Cameroon, as well as by the observer for Palestine (see A/C.3/64/SR.13).

6. Also at the same meeting, a statement was made by the Chairperson of the Committee on the Rights of the Child, in accordance with General Assembly resolution 63/241 (see A/C.3/64/SR.13).

II. Consideration of proposals

A. Draft resolution A/C.3/64/L.20 and Rev.1

7. At the 34th meeting, on 29 October, the representative of Namibia, on behalf of Chile, Guatemala, Namibia and the States Members of the United Nations that are members of the Southern African Development Community (SADC), introduced a draft resolution entitled "The girl child" (A/C.3/64/L.20) which read as follows:

"*The General Assembly*,

"*Recalling* its resolution 62/140 of 18 December 2007 and all relevant resolutions, including the agreed conclusions of the Commission on the Status of Women, in particular those relevant to the girl child,

"*Reaffirming* the equal rights of women and men as enshrined in the Charter of the United Nations,

"*Recalling* all human rights and other instruments relevant to the rights of the child, in particular the girl child, including the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Optional Protocols thereto,

"*Welcoming* the entry into force of the Convention on the Rights of Persons with Disabilities and its specific attention to the fact that women and girls with disabilities are subject to multiple discrimination,

"*Reaffirming* the internationally agreed development goals, including the Millennium Development Goals, as well as the commitments relevant to the girl child made at the 2005 World Summit,

"*Reaffirming also* the outcome document of the twenty-seventh special session of the General Assembly on children, entitled 'A world fit for children', the Declaration of Commitment on HIV/AIDS adopted at the twenty-sixth special session of the General Assembly on HIV/AIDS, entitled 'Global Crisis — Global Action', and the Political Declaration on HIV/AIDS of 2006,

"*Reaffirming further* all other relevant outcomes of major United Nations summits and conferences relevant to the girl child, as well as their five- and ten-year reviews, including the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women, the outcome of the twenty-third special session of the General Assembly entitled 'Women 2000: gender equality, development and peace for the twenty-first century', the Programme of Action of the International Conference on Population and Development, the Programme of Action of the World Summit for Social Development and the declaration adopted by the Commission on the Status of Women at its forty-ninth session in 2005, as well as the outcome of the fifty-first session of the Commission on the Status of Women, which considered 'the elimination of all forms of discrimination and violence against the girl child' as its priority theme,

"*Looking forward* to the fifteen-year review of the implementation of the Beijing Declaration and Platform for Action, which will be undertaken in 2010 by the Commission on the Status of Women at its fifty-fourth session,

"*Reaffirming* the Dakar Framework for Action, adopted at the World Education Forum in 2000,

"*Welcoming* the appointment of the Special Representative of the Secretary-General on violence against children and the launch of the Secretary-General's campaign 'UNiTE to End Violence against Women, 2008-2015',

"*Recognizing* that chronic poverty remains the single biggest obstacle to meeting the needs of and promoting and protecting the rights of children and that urgent national and international action is therefore required to eliminate it, and noting that the burden of the global financial and economic crisis and the food and energy crises is felt directly by households and in particular by women and girls,

"*Reaffirming* the need to achieve gender equality to ensure a just and equitable world for girls, including through partnering with men and boys, as an important strategy for advancing the rights of the girl child,

"*Recognizing* that significant progress has been made in the passage of national legislation affirming the equality of girls and boys and women and men, but noting that a gap exists between commitment and practice,

"*Recognizing also* that the empowerment of girls is key in breaking the cycle of discrimination and violence and in promoting and protecting the full and effective enjoyment of their human rights, and further recognizing that empowering girls requires the active support and engagement of their parents, legal guardians, families, boys and men, as well as the wider community,

"*Deeply concerned* about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education and a lower quality thereof, and to nutrition and physical and mental health care, in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys, and in leaving them more vulnerable than boys to the consequences of unprotected and premature sexual relations and often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence, abuse, rape, incest, honour-related crimes and harmful traditional practices, such as female infanticide, early marriage, forced marriage, prenatal sex selection and female genital mutilation,

"*Deeply concerned also* that female genital mutilation is an irreparable, irreversible harmful practice that affects more than 130 million women and girls alive today, and that each year over three million girls are at risk of undergoing the harmful procedure,

"*Deeply concerned further* that, in situations of poverty, war and armed conflict, girl children are among those most affected and furthermore become the victims of sexual violence, abuse and exploitation and sexually transmitted diseases, including HIV/AIDS, which have a serious impact on the quality of their lives and leave them open to further discrimination, violence and neglect, thus limiting their potential for full development,

"*Emphasizing* that increased access to education, including in the areas of sexual and reproductive health, for young people, especially girls, dramatically lowers their vulnerability to preventable diseases, in particular HIV infection and sexually transmitted diseases,

"*Concerned* by the increasing number of child-headed households, in particular those headed by orphan girls, including those orphaned by the HIV/AIDS pandemic,

"*Deeply concerned* that early childbearing and limited access to sexual and reproductive health care, including in the area of emergency obstetric care, causes high levels of obstetric fistula and maternal mortality and morbidity,

"*Convinced* that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and limitation or denial of their human rights,

"*Deeply concerned* that early marriage and early motherhood can severely curtail educational and employment opportunities for young women and are likely to have a long-term, adverse impact on the quality of their lives and the lives of their children,

"*Noting with concern* that in some areas of the world, men outnumber women and that this discrepancy is attributable to, among other things, harmful attitudes and practices, such as early marriage, including child marriage, and other practices related to health and well-being, resulting in fewer girls than boys surviving into adulthood,

"1. *Stresses* the need for full and urgent implementation of the rights of the girl child as provided to her under human rights instruments, and urges States to consider signing, ratifying or acceding to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities and the Optional Protocols thereto as a matter of priority;

"2. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of the International Labour Organization to consider doing so;

"3. *Urges* all Governments and the United Nations system to strengthen efforts bilaterally and with international organizations and private sector donors in order to achieve the goals of the World Education Forum, in particular that of eliminating gender disparities in primary and secondary education by 2005, which have not been fully met, and to implement the United Nations Girls' Education Initiative as a means of reaching this goal, and calls for the implementation of and reaffirms the commitments contained in the Education for All goals and the United Nations Millennium Development Goals, particularly those related to gender and education;

"4. *Calls upon* all States, through enhanced emphasis on the education of the girl child, to impart and develop the necessary skills to enable them eventually to be employed, especially by taking steps to overcome male and female stereotypes and by promoting positive role models;

"5. *Calls upon* States and the international community to recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and ensuring school attendance, in particular for girls and children from low-income families;

"6. *Stresses* the importance of a substantive assessment of the implementation of the Beijing Platform for Action with a life-cycle perspective so as to identify gaps and obstacles in the implementation process and to develop further actions for the achievement of the goals of the Platform for Action;

"7. *Calls upon* all States and international and non-governmental organizations, individually and collectively, to implement further the Beijing Platform for Action, in particular the strategic objectives relating to the girl child, and the further actions and initiatives, and to mobilize all necessary resources and support in order to achieve the goals and strategic objectives and actions set out in the Beijing Declaration and Platform for Action;

"8. *Calls upon* all States to take measures to address the obstacles that continue to affect the achievement of the goals set forth in the Beijing Platform for Action, as contained in paragraph 33 of the further actions and initiatives to implement the Beijing Declaration and Platform for Action, where appropriate, including the strengthening of national mechanisms to implement policies and programmes for the girl child and, in some cases, to enhance coordination among responsible institutions for the realization of the human rights of girls, as indicated in the further actions and initiatives;

"9. *Urges* States to improve the situation of girl children living in poverty, deprived of nutrition, water and sanitation facilities, with limited or no access to basic health-care services, shelter, education, participation and protection, taking into account that, while a severe lack of goods and services hurts every human being, it is most threatening and harmful to the girl child, leaving her unable to enjoy her rights, to reach her full potential and to participate as a full member of society;

"10. *Also urges* States to ensure that the applicable requirements of the International Labour Organization for the employment of girls and boys are respected and effectively enforced and that girls who are employed have equal access to decent work, and equal payment and remuneration, are protected from economic exploitation, discrimination, sexual harassment, violence and abuse in the workplace, are aware of their rights and have access to formal and non-formal education, skills development and vocational training, and further urges States to develop gender-sensitive measures, including national action plans where appropriate, to eliminate the worst forms of child labour, including commercial sexual exploitation, slavery-like practices, forced and bonded labour, trafficking and hazardous forms of child labour;

"11. *Further urges* all States to promote gender equality and equal access to basic social services, such as education, nutrition, birth registration, health care, including sexual and reproductive health, vaccinations and protection from diseases representing the major causes of mortality, and to mainstream a gender perspective in all development policies and programmes, including those relating to children as well as those specific to the girl child;

"12. *Urges* States, in cooperation with non-governmental organizations, the mass media, the private sector and relevant international organizations, including United Nations bodies, as appropriate, to develop policies and programmes, giving priority to both formal and informal educational programmes, that support and enable women to develop self-esteem, acquire knowledge, make decisions on and take responsibility for their own health, achieve mutual respect in matters concerning sexuality and fertility and educate men regarding the importance of women's health and well-being, placing special focus on programmes for both men and women that emphasize the elimination of harmful attitudes and practices, including early and forced marriage, including child marriage;

"13. *Calls upon* States to take appropriate measures to address the root factors, including external factors, that encourage early and forced marriage, by strengthening existing legislation with a view to better protecting the rights of girls and to punishing the perpetrators, through both criminal and civil measures;

"14. *Urges* all States to enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and raise the minimum age for marriage where necessary, and to develop and implement comprehensive policies, plans of action and programmes that should form an integral part of the total development process and be focused on the survival, protection, development and advancement of the girl child to promote and protect the full enjoyment of her human rights and to ensure equal opportunities for girls;

"15. *Calls upon* States with the support of international and non-governmental organizations to generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls;

"16. *Urges* all States to enact and enforce legislation to protect girls from all forms of violence and exploitation, including female infanticide and prenatal sex selection, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, trafficking and forced migration, forced labour and early and forced marriage, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence and discrimination;

"17. *Also urges* States to formulate comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to eliminate all forms of discrimination and violence against women and girls, which should be widely disseminated and should provide targets and timetables for implementation, as well as effective domestic enforcement procedures through the establishment of monitoring mechanisms involving all parties concerned, including consultations with women's organizations, giving attention to the recommendations relating to the girl child of the Special Rapporteurs of the Human Rights Council on violence against women, its causes and consequences, and on trafficking in persons, especially women and children, of the Secretary-General in his in-depth study on all forms of violence against women and of the independent expert in his study on violence against children;

"18. *Further urges* States to ensure that the right of children to express themselves and participate in all matters affecting them, in accordance with their age and maturity, is fully and equally enjoyed by girls;

"19. *Urges* States to involve girls, including girls with special needs, and their representative organizations, in decision-making processes, as appropriate, and to include them as full and active partners in identifying their own needs and in developing, planning, implementing and assessing policies and programmes to meet those needs;

"20. *Recognizes* that a considerable number of girl children are particularly vulnerable, including orphans, children living on the street, internally displaced and refugee children, children affected by trafficking and sexual and economic exploitation, children living with HIV, and children who are incarcerated who live without parental support, and therefore urges States,

with the support of the international community, where relevant, to take appropriate measures to address the needs of such children by implementing national policies and strategies to build and strengthen governmental, community and family capacities to provide a supportive environment for such children, including by providing appropriate counselling and psychosocial support, and ensuring their enrolment in school and access to shelter, good nutrition and health and social services on an equal basis with other children;

"21. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, in particular girls, considering, inter alia, views, skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

"22. *Urges* all States and the international community to respect, promote and protect the rights of the girl child, taking into account the particular vulnerabilities of the girl child in pre-conflict, conflict and post-conflict situations, and further urges States to take special measures for the protection of girls, in particular to protect them from sexually transmitted diseases, HIV infection, gender-based violence, including rape, sexual abuse and sexual exploitation, torture, abduction and forced labour, paying special attention to refugee and displaced girls, and to take into account their special needs in the delivery of humanitarian assistance and disarmament, demobilization, rehabilitation assistance and reintegration processes;

"23. *Deplores* all cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crises, including those cases involving humanitarian workers and peacekeepers, and urges States to take effective measures to address gender-based violence in humanitarian emergencies and to make all possible efforts to ensure that their laws and institutions are adequate to prevent, promptly investigate and prosecute acts of gender-based violence;

"24. *Also deplores* all acts of sexual exploitation, abuse of and trafficking in women and children by military, police and civilian personnel involved in United Nations operations, welcomes the efforts undertaken by United Nations agencies and peacekeeping operations to implement a zero-tolerance policy in this regard, and requests the Secretary-General and personnel-contributing countries to continue to take all appropriate action necessary to combat these abuses by such personnel, including through the full implementation without delay of those measures adopted in the relevant General Assembly resolutions based on recommendations of the Special Committee on Peacekeeping Operations;

"25. *Calls upon* Member States to eliminate and prosecute all forms of trafficking in girls, including for sexual and economic exploitation, as part of a comprehensive strategy to eliminate all forms of violence against the girl child;

"26. *Calls upon* Governments, civil society, including the media, and non-governmental organizations to promote human rights education and full respect for and the enjoyment of the human rights of the girl child, inter alia,

through the translation, production and dissemination of age-appropriate and gender-sensitive information material on those rights to all sectors of society, in particular to children;

"27. *Requests* the Secretary-General, as Chairman of the United Nations System Chief Executives Board for Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the International Labour Organization, take into account the rights and the particular needs of the girl child in country programmes of cooperation in accordance with national priorities, including through the United Nations Development Assistance Framework;

"28. *Requests* all human rights treaty bodies and the human rights mechanisms of the Human Rights Council, including the special procedures, to adopt regularly and systematically a gender perspective in the implementation of their mandates and to include in their reports information on the qualitative analysis of violations of the human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

"29. *Requests* States to ensure that, in all policies and programmes designed to provide comprehensive HIV/AIDS prevention, treatment, care and support, particular attention and support is given to the girl child at risk, infected with and affected by HIV, including pregnant girls and young and adolescent mothers, as part of the global effort to scale up significantly actions towards achieving the goal of universal access to comprehensive prevention, treatment, care and support by 2010;

"30. *Invites* States to promote initiatives aimed at reducing the prices of antiretroviral drugs, especially second-line drugs, available to the girl child, including bilateral and private sector initiatives as well as initiatives on a voluntary basis taken by groups of States, including those based on innovative financing mechanisms that contribute to the mobilization of resources for social development, including those that aim to provide further access to drugs at affordable prices to developing countries on a sustainable and predictable basis, and in this regard takes note of the International Drug Purchase Facility, UNITAID;

"31. *Calls upon* all States to integrate food and nutritional support with the goal that children, especially girl children, have access at all times to sufficient, safe and nutritious food to meet their dietary needs and food preferences, for an active and healthy life, as part of a comprehensive response to HIV/AIDS and other communicable diseases;

"32. *Urges* States and the international community to increase resources at all levels, particularly in the education and health sectors, to enable young people, especially girls, to gain the knowledge, attitudes and skills that they need to prevent HIV infection and early pregnancy and to enjoy the highest

attainable standard of physical and mental health, including sexual and reproductive health;

"33. *Stresses* the need to enhance the accountability of the international community, including at the highest levels of decision-making, in the process of mainstreaming the promotion and protection of the rights of the girl child into the development agenda;

"34. *Urges* States, the international community, the relevant United Nations entities, civil society and international financial institutions to continue to actively support, through the allocation of increased financial resources, targeted innovative programmes that address ending female genital mutilation and developing and providing education programmes and sensitization workshops on the dire consequences of this harmful practice for the health of the girl and to provide for those who perform the harmful procedure training programmes so that they may adopt an alternative profession;

"35. *Calls upon* States to strengthen the capacity of national health systems, and in this regard calls upon the international community to assist national efforts, including by allocation of adequate resources in order to provide essential services needed to prevent obstetric fistula and to treat those cases that occur by providing the continuum of services, including family planning, prenatal and post-natal care, skilled birth attendance, emergency obstetric care and post-partum care, to adolescent girls, including those living in poverty and in underserved rural areas where obstetric fistula is most common;

"36. *Calls upon* States and the international community to create an environment in which the well-being of the child is ensured, inter alia, by cooperating, supporting and participating in global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the Millennium Declaration, are realized within their time framework, and reaffirming that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

"37. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-sixth session on the implementation of the present resolution, with an emphasis on ending early and forced marriage, using information provided by Member States, the organizations and bodies of the United Nations system and non-governmental organizations, with a view to assessing the impact of the present resolution on the well-being of the girl child."

8. At its 47th meeting, on 24 November, the Committee had before it a revised draft resolution entitled "The girl child" (A/C.3/64/L.20/Rev.1), submitted by the sponsor of A/C.3/64/L.20 as well as Armenia, Belarus, Cameroon, Cape Verde, Chile, the Congo, Côte d'Ivoire, Ecuador, Ethiopia, Guatemala, Honduras, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, the Republic of Korea, Rwanda, Senegal, Sierra Leone, Timor-Leste and Uzbekistan.

9. At the same meeting, the representative of Namibia orally revised operative paragraph 19, deleting the words "and child and" after the words "forced labour", and adding the words "as well as marriage under legal age" after the words "forced marriage".

10. Subsequently, Albania, Andorra, Antigua and Barbuda, Australia, Azerbaijan, Barbados, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Colombia, Croatia, Cuba, Cyprus, Denmark, the Dominican Republic, Estonia, Finland, the Gambia, Georgia, Germany, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Iceland, Israel, Jamaica, Latvia, Liberia, Liechtenstein, Lithuania, Malta, Mexico, Monaco, Montenegro, Nicaragua, Peru, the Philippines, Poland, the Republic of Moldova, San Marino, Serbia, Slovenia, Suriname, Sweden, the former Yugoslav Republic of Macedonia and Turkey joined in sponsoring the orally revised draft resolution.

11. The Committee adopted draft resolution A/C.3/64/L.20/Rev.1, as orally revised (see para. 19, draft resolution I).

B. Draft resolution A/C.3/64/L.21 and Rev.1

12. At the 34th meeting, on 29 October, the representative of Sweden, on behalf of Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Dominica, the Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Serbia, Slovakia, Slovenia, Spain, Suriname, Sweden, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "The rights of the child" (A/C.3/64/L.21), which read as follows:

"*The General Assembly*,

"*Reaffirming* all its previous resolutions on the rights of the child, the most recent of which is resolution 63/241 of 24 December 2008, in their entirety,

"*Emphasizing* that the Convention on the Rights of the Child must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments,

"*Reaffirming* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents,

"*Reaffirming also* the Vienna Declaration and Programme of Action, the United Nations Millennium Declaration and the outcome document of the

twenty-seventh special session of the General Assembly on children, entitled 'A world fit for children', and recalling the Copenhagen Declaration on Social Development and the Programme of Action, the Dakar Framework for Action adopted at the World Education Forum, the Declaration on Social Progress and Development, the Universal Declaration on the Eradication of Hunger and Malnutrition, the Declaration on the Right to Development and the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held in New York from 11 to 13 December 2007,

"*Taking note with appreciation* of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly and on the status of the Convention on the Rights of the Child and the issues addressed in Assembly resolution 63/241, as well as the report of the Special Representative of the Secretary-General for Children and Armed Conflict, whose recommendations should be carefully studied, taking fully into account the views of Member States, and taking note of the report of the Secretary-General on children and armed conflict,

"*Acknowledging* the important role played by national governmental structures for children, including, where existing, ministries and institutions in charge of child, family and youth issues and independent ombudspersons for children or other national institutions for the promotion and protection of the rights of the child,

"*Taking note with appreciation* of the work to promote and protect the rights of the child carried out by all relevant organs, bodies, entities and organizations of the United Nations system, within their respective mandates, and relevant mandate holders and special procedures of the United Nations, as well as relevant regional organizations where appropriate, and intergovernmental organizations, and recognizing the valuable role of civil society, including non-governmental organizations,

"*Profoundly concerned* that the situation of children in many parts of the world has been negatively affected by the world financial and economic crisis, and reaffirming that eradicating poverty continues to be the greatest global challenge facing the world today, recognizing its impact beyond socio-economic context,

"I. Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

"1. *Commemorates* the twentieth anniversary of the adoption of the Convention on the Rights of the Child and the fiftieth anniversary of the adoption of the Declaration of the Rights of the Child, which provided a foundation for the Convention, and takes this opportunity to call for the effective implementation of the Convention by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms;

"2. *Reaffirms* paragraphs 1 to 8 of its resolution 63/241, and urges States that have not yet done so to become parties to the Convention on the

Rights of the Child and the Optional Protocols thereto as a matter of priority and to implement them fully;

"3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;

"4. *Encourages* States parties to take duly into account, in implementing the provisions of the Convention and the Optional Protocols thereto, the recommendations, observations and general comments of the Committee on the Rights of the Child, including general comment No. 12 (2009), on the right of the child to be heard;

"5. *Welcomes* actions of the Committee on the Rights of the Child to follow up and monitor the implementation of its concluding observations and recommendations by the States parties, and, in this regard, particularly underlines the regional workshops and the participation of the Committee in national-level initiatives;

"6. *Recalls* Human Rights Council resolution 10/14 of 26 March 2009, entitled 'Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto';

"II. Promotion and protection of the rights of the child and non-discrimination against children

"Non-discrimination

"7. *Reaffirms* paragraphs 9 to 11 of its resolution 63/241, and calls upon States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

"Registration, family relations and adoption or other forms of alternative care

"8. *Also reaffirms* paragraphs 12 to 16 of its resolution 63/241, and urges all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to protect children in matters relating to registration, family relations and adoption or other forms of alternative care, and, in the cases of international parental or familial child abduction, encourages States to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

"9. *Welcomes* the accomplishment of the United Nations Guidelines for the Alternative Care of Children and the decision of the Human Rights Council, by its resolution 11/7 of 17 June 2009, to submit them to the General Assembly for action thereon;

"Economic and social well-being of children, eradication of poverty, right to education, enjoyment of the highest attainable standard of physical and mental health and right to food

"10. *Reaffirms* paragraphs 17 to 26 of General Assembly resolution 63/241, paragraphs 42 to 52 of Assembly resolution 61/146, and paragraphs 37 to 42 of Assembly resolution 60/231, and calls upon all States and the international community to create an environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field and by implementing their previous commitments in the field of poverty eradication, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health and the right to food for all;

"11. *Recognizes* the threat to the achievement of internationally agreed development goals, including the Millennium Development Goals, posed by the global financial and economic crisis, which is connected to multiple, interrelated global crises and challenges, such as the food crisis and continuing food insecurity, volatile energy and commodity prices and climate change, and calls upon States to address, in their response to this crisis, any impact on the full enjoyment of the rights of children;

"Elimination of violence against children

"12. *Reaffirms* paragraphs 27 to 32 of its resolution 63/241 and paragraphs 47 to 62 of its resolution 62/141, condemns all forms of violence against children, and urges all States to implement the measures set out in paragraph 27 of resolution 63/241;

"13. *Welcomes* the appointment of the Special Representative of the Secretary-General on Violence against Children, and encourages all States, requests United Nations entities and agencies and invites regional organizations and civil society, including non-governmental organizations, to continue to widely disseminate and follow up on the United Nations study on violence against children by the independent expert appointed by the Secretary-General and to cooperate with and provide support to the Special Representative, including financial support, in promoting the further implementation of the recommendations of the study and for the effective and independent performance of her mandate, while promoting and ensuring country ownership and national plans and programmes in this regard, and calls upon States and institutions concerned and invites the private sector to provide voluntary contributions for that purpose;

"Promoting and protecting the rights of children, including children in particularly difficult situations

"14. *Reaffirms* paragraphs 34 to 42 of its resolution 63/241, and calls upon all States to promote and protect all human rights of all children in particularly difficult situations, to implement programmes and measures that provide them with special protection and assistance, including, inter alia, access to health care, education and social services, as well as, where appropriate and feasible, voluntary repatriation, reintegration, family tracing and family reunification, in particular for children who are unaccompanied,

and to ensure that the best interests of the child are accorded primary consideration;

"Children alleged to have infringed or recognized as having infringed penal law and children of persons alleged to have infringed or recognized as having infringed penal law

"15. *Also reaffirms* paragraphs 43 to 47 of its resolution 63/241, and calls upon all States to respect and protect the rights of children alleged to have infringed or recognized as having infringed penal law, as well as children of persons alleged to have infringed or recognized as having infringed penal law;

"Prevention and eradication of the sale of children, child prostitution and child pornography

"16. *Further reaffirms* paragraphs 48 to 50 of its resolution 63/241, and calls upon all States to prevent, criminalize, prosecute and punish all forms of sale of children, including for the purposes of transfer of organs of the child for profit, child slavery, commercial sexual exploitation of children, child prostitution and child pornography, with the aim of the eradication of those practices, and the use of the Internet and other information and communications technologies for these purposes, to combat the existence of a market that encourages such criminal practices and take measures to eliminate the demand that fosters them, as well as to address the needs of victims effectively and take effective measures against the criminalization of children who are victims of exploitation;

"17. *Welcomes* the adoption of the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, which is the outcome document of the Third World Congress against the Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro, Brazil, in November 2008;

"18. *Calls upon* all States to take necessary legislative or other measures in cooperation with relevant stakeholders to ensure that child pornography and child sexual abuse images on the Internet are reported and removed and that access to such websites is blocked when they cannot be removed;

"Children affected by armed conflict

"19. *Reaffirms* paragraphs 51 to 63 of its resolution 63/241, and condemns in the strongest terms all violations and abuses committed against children affected by armed conflict, and in this regard urges those parties to armed conflict that are engaged, in contravention of applicable international law, in recruitment and use of children, in patterns of killing and maiming of children and/or rape and other sexual violence against children, as well as all other violations and abuses against children, to develop concrete and time-bound measures to end them, and urges all States, United Nations agencies, funds and programmes, other relevant international and regional organizations and civil society to continue to give serious attention to all violations and abuses committed against children in situations of armed conflict;

"20. *Also reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict, and also notes the activities undertaken by the Peacebuilding Commission, within its mandate, in areas that promote and contribute to the enjoyment of the rights and welfare of children;

"21. *Notes with appreciation* the steps taken regarding Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 and the adoption of Security Council resolution 1882 (2009) on 4 August 2009 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with these resolutions, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, and requests the Secretary-General to ensure that information collected and communicated by the monitoring and reporting mechanism is accurate, objective, reliable and verifiable, and in this regard encourages the work and deployment, as appropriate, of United Nations child protection advisers in peacekeeping operations and political and peacebuilding missions;

"Child labour

"22. *Reaffirms* paragraphs 64 to 80 of its resolution 63/241, and calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development and to eliminate immediately the worst forms of child labour;

"23. *Takes note with appreciation* of the United Nations Education, Scientific and Cultural Organization *Education for All Global Monitoring Report* of 2009, which emphasizes the need to increase the quality of education as a way to attract and keep children in school as a tool in the prevention and elimination of child labour, and calls upon all States to take fully into account the action plan entitled 'The end of child labour: within reach', which was adopted unanimously by the International Labour Conference in 2006, in their national efforts to tackle child labour and to monitor progress towards meeting the target of eliminating the worst forms of child labour by 2016;

"III. The right of the child to express his or her views freely in all matters affecting him or her

"24. *Recognizes* that the child who is capable of forming his or her own views should be assured the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with his or her age and maturity;

"25. *Reaffirms* that the general principle of participation forms part of the framework for the interpretation and implementation of all other rights incorporated in the Convention of the Rights of the Child;

"26. *Also reaffirms* the international agreement on the 2015 target date for achieving universal primary education in all countries, and emphasizes that literacy and universal access to free and compulsory primary education of a good quality for all children is a key element in promoting the right of the child to express his or her views freely in all matters affecting him or her, and encourages international cooperation in this regard, including regional cooperation as well as South-South cooperation;

"27. *Recognizes* that, in the exercise by the child of his or her right to be heard, States shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the age, maturity and evolving capacities of the child, appropriate direction and guidance;

"28. *Also recognizes* the key role that can be played by schools, and in this regard encourages States to ensure the institutionalization of children's participation and encourage the active consultation with children and the consideration of their views on relevant matters related to schools;

"29. *Further recognizes* the role that can be played by the private sector, including the media, in promoting the participation and active consultation of children in issues affecting them, taking into account the best interests of the child;

"30. *Recognizes* that the free engagement of children in extra-curricular activities, such as cultural, artistic, recreational, leisure, ecological and sports activities at the local and national levels, could develop the ability of children to express their views;

"31. *Expresses deep concern* that, despite the recognition of children as rights holders entitled to express their views freely in all matters affecting them, those views being given due weight in accordance with the age and maturity of the child, children are seldom seriously consulted and involved in such matters and that the full implementation of this right in many parts of the world has yet to be fully realized;

"32. *Recognizes* that the achievement of the right of the child to express his or her own views and to participate requires adults to adopt a child-centred attitude, listening to children and respecting their rights and individual points of view;

"33. *Calls upon* all States to:

"(a) Ensure that children are given the opportunity to express their views freely on all matters affecting them, including within family settings, in school and in their communities, and that due weight is given to those views once expressed, without discrimination on any grounds by, as appropriate, adopting and/or continuing to implement regulations and arrangements that are

firmly anchored in laws and institutional codes and that are regularly evaluated with regard to their effectiveness;

"(b) Ensure that funding for child participation is considered in resource allocation and that policies and programmes to facilitate their participation are institutionalized and fully implemented;

"(c) Address all the root causes impeding children from exercising their right to be heard and to be consulted on issues affecting them and to raise awareness on the importance of child participation in a democratic society that respects the best interests of the child;

"(d) Designate, establish or strengthen relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent ombudspersons for children, which should also have mechanisms in place for allowing and promoting the involvement and participation of children in the formulation and implementation of public policies, and ensure adequate and systematic training in the rights of the child for professional groups working with and for children;

"(e) Involve children in the planning, design, implementation and evaluation of national plans of action that relate to the rights of the child, in recognition of the role of the child as a core stakeholder in the process according to his or her own age, maturity and evolving capacities;

"(f) Encourage and enable children affected by natural and man-made disasters and complex emergencies, in particular adolescents, to participate in analysing their situations and future prospects in both post-emergency reconstruction processes and post-conflict resolution processes, while ensuring that such participation is in accordance with their age, maturity and evolving capacities and is consistent with the best interests of the child and recognizing that appropriate care needs to be taken to protect children from exposure to situations that are likely to be traumatic or harmful;

"(g) Develop policies and effective mechanisms at the local and national levels to enable children to express their views and participate safely and meaningfully in the monitoring and reporting processes related to the implementation of the Convention on the Rights of the Child;

"(h) Develop and implement policies and programmes to promote the creation by public authorities, parents, guardians, other caregivers and other adults working with or for children of an environment based on trust, information sharing, the capacity to listen and sound guidance that is conducive to the equal participation of children, including in decision-making processes;

"(i) Partner with civil society organizations, including child- and youth-led organizations as well as the private sector and the media, in order to raise awareness about the benefits of child participation in society, and to inform children, parents, guardians, other caregivers and the general public about the rights of the child while being attentive to their influence on children and children's protection;

"(j) Take all appropriate measures to promote the active involvement of parents, professionals and relevant authorities in the creation of opportunities

for children to exercise their rights within their everyday activities in all relevant settings, including by providing training in the necessary skills;

"(k) Provide support to children and young people to enable them to form and register their own associations and other child- and youth-led initiatives, in conformity with national and international law, and ensure their full participation in the development of policies designed to meet national children and youth goals and targets;

"(l) Ensure the equal participation of girls and young women on the basis of non-discrimination and as partners with boys and young men in the development of strategies and the implementation of action aimed at achieving gender equality, development and peace;

"(m) Provide support to girls, if needed, to voice their views and for their views to be given due weight, and adopt measures to eliminate gender stereotypes that undermine and place severe limitations on girls in the enjoyment of this right;

"(n) Take measures to ensure the exercise of the right to expression of views for children belonging to minorities and/or vulnerable groups, including migrant children, and indigenous children within their cultural values or ethnic identities;

"(o) Adopt measures, including providing or promoting the use of accessible means, modes and formats of communication, to facilitate the expression of views by children with disabilities;

"(p) Ensure that, while taking the necessary measures to prevent and punish the wrongful removal of children who are subjected to enforced disappearance, children whose father, mother or legal guardian is subjected to enforced disappearance and children born during the captivity of a mother subjected to enforced disappearance, and while cooperating and assisting in the search for the identification of children who have been victims of such practices and returning them to their families of origin, in accordance with legal procedures and applicable international agreements, the best interests of the child shall be a primary consideration and that a child who is capable of forming his or her own views shall have the right to express those views freely, the views of the child being given due weight in accordance with the age and maturity of the child;

"(q) Ensure that child-sensitive procedures are made available to children and their representatives so that children have access to means of facilitating effective remedies for any breaches of any of their rights arising from the Convention on the Rights of the Child through independent advice, advocacy and complaint procedures, including justice mechanisms, and that their views are heard when they are involved or their interests are concerned in judicial or administrative procedures;

"(r) Support the mainstreaming of children's participation and their safe and meaningful involvement in United Nations processes that are related to the promotion and protection of the rights of the child;

"(s) Support children's participation in initiatives to prevent and respond to violence against children, including in the work of the Special Representative of the Secretary-General on Violence against Children;

"(t) Establish and/or enhance, in collaboration with children, families, civil society and other relevant actors, a safe, meaningful and child-friendly environment for the appropriate, relevant, informed and voluntary participation of children in decision-making processes and minimize the risk to children of violence, exploitation or any other negative consequence of their participation, taking into account their preferred mediums of expression, age, maturity and evolving capacities;

"(u) Take measures to guarantee the participation of children in the design and implementation of preventive and comprehensive anti-bullying policies;

"IV. Follow-up

"34. *Decides*:

"(a) To request the Secretary-General to submit to the General Assembly at its sixty-fifth session a comprehensive report on the rights of the child containing information on the status of the Convention on the Rights of the Child and the issues addressed in the present resolution;

"(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in discharging her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda;

"(c) To request the Special Representative of the Secretary-General on Violence against Children to submit annual reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

"(d) To request the Special Rapporteur on the sale of children, child prostitution and child pornography to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

"(e) To invite the Chairperson of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-fifth session as a way to enhance communication between the Assembly and the Committee;

"(f) To invite all Member States, organizations of the United Nations system, non-governmental organizations and individuals to observe the twentieth anniversary of the adoption of the Convention on the Rights of the Child;

"(g) To continue its consideration of the question at its sixty-fifth session under the item entitled 'Promotion and protection of the rights of

children', focusing section III of the resolution on the rights of the child on [next year's theme]."

13. Subsequently, Azerbaijan, Belarus, Cameroon, Cape Verde, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Kenya, Kyrgyzstan, Liberia, Madagascar, Malawi, Mongolia, Mozambique, Namibia, the Niger, Nigeria, Norway, the Republic of Korea, Rwanda, Senegal, Sierra Leone, the former Yugoslav Republic of Macedonia, Timor-Leste and Ukraine joined in sponsoring the draft resolution.

14. At its 45th meeting, on 20 November, the Committee had before it a revised draft resolution entitled "Rights of the child" (A/C.3/64/L.21/Rev.1) submitted by the sponsors of A/C.3/64/L.21 as well as Algeria, Angola, Benin, Burkina Faso, Burundi, Canada, Egypt, El Salvador, Fiji, Gabon, the Gambia, Guinea, Kazakhstan, Lebanon, Lesotho, Maldives, Mali, Morocco, New Zealand, the Philippines, Sri Lanka, Seychelles, Swaziland, Switzerland, Tajikistan, Togo, Turkmenistan, the United Republic of Tanzania and Zimbabwe.

15. Subsequently, Bangladesh, the Central African Republic, the Comoros, Guinea-Bissau, the Republic of Korea, the Russian Federation, Uganda and Vanuatu joined in sponsoring the draft resolution.

16. At the same meeting, the Committee adopted draft resolution A/C.3/64/L.21/Rev.1 (see para. 19, draft resolution II).

17. Following the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic and the United States of America.

C. Draft decision proposed by the Chairman

18. At its 47th meeting, on 24 November, on the proposal of the Chairperson, the Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General on the girl child (A/64/315) and the note by the Secretariat on the appointment of the Special Representative of the Secretary-General on Violence against Children (A/64/182-E/2009/110) (see para. 20, draft decision).

III. Recommendations of the Third Committee

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
The girl child

The General Assembly,

Recalling its resolution 62/140 of 18 December 2007 and all relevant resolutions, including the agreed conclusions of the Commission on the Status of Women, in particular those relevant to the girl child,

Reaffirming the equal rights of women and men as enshrined in the Charter of the United Nations,

Recalling all human rights and other instruments relevant to the rights of the child, in particular the girl child, including the Convention on the Rights of the Child,[1] the Convention on the Elimination of All Forms of Discrimination against Women,[2] the Convention on the Rights of Persons with Disabilities and the Optional Protocols thereto,[3]

Welcoming the entry into force of the Convention on the Rights of Persons with Disabilities and its specific attention to the fact that women and girls with disabilities are subject to multiple discrimination, including in education and schooling,

Reaffirming the internationally agreed development goals, including the Millennium Development Goals, as well as the commitments relevant to the girl child made at the 2005 World Summit,[4]

Recalling the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages,[5]

Reaffirming the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[6] the Declaration of Commitment on HIV/AIDS adopted at the twenty-sixth special session of the General Assembly on HIV/AIDS, entitled "Global Crisis — Global Action",[7] and the Political Declaration on HIV/AIDS of 2006,[8]

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[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[2] Ibid., vol. 1249, No. 20378.
[3] Ibid., vols. 2171 and 2173, No. 27531, and ibid., vol. 2131, No. 20378.
[4] See resolution 60/1.
[5] Resolution 1763 A (XVII).
[6] Resolution S-27/2, annex.
[7] Resolution S-26/2, annex.
[8] Resolution 60/262, annex.

Reaffirming also all other relevant outcomes of major United Nations summits and conferences relevant to the girl child, as well as their five- and ten-year reviews, including the Beijing Declaration[9] and Platform for Action[10] adopted at the Fourth World Conference on Women, the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century",[11] the Programme of Action of the International Conference on Population and Development,[12] the Programme of Action of the World Summit for Social Development[13] and the declaration adopted by the Commission on the Status of Women at its forty-ninth session in 2005,[14] as well as the agreed conclusions of the fifty-first session of the Commission on the Status of Women, which considered "the elimination of all forms of discrimination and violence against the girl child" as its priority theme,

Looking forward to the fifteen-year review of the implementation of the Beijing Platform for Action and of the outcomes of the twenty-third special session of the General Assembly, entitled, "Women 2000: Gender equality, development and peace for the twenty-first century",[15] and emphasizing the importance of the sharing of experiences and good practices, with a view to overcoming remaining obstacles and new challenges, including those related to the Millennium Development Goals, which will take place during the upcoming fifty-fourth session of the Commission on the Status of Women in 2010,

Reaffirming the Dakar Framework for Action, adopted at the World Education Forum in 2000,[16]

Welcoming the appointment of the Special Representative of the Secretary-General on violence against children, the creation of the new post of Special Representative of the Secretary-General on sexual violence in armed conflict and the launch of the Secretary-General's campaign "UNiTE to End Violence against Women, 2008-2015",

Recognizing that chronic poverty remains the single biggest obstacle to meeting the needs of and promoting and protecting the rights of children and that urgent national and international action is therefore required to eliminate it, and noting that the burden of the global financial and economic crisis, the energy crisis, the food crisis and the continuing food insecurity as a result of various factors is felt directly by households, especially those depending on income from the informal sector, particularly by women and girls,

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[9] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[10] Ibid., annex II.

[11] Resolution S-23/2, annex, and resolution S-23/3, annex.

[12] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[13] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex II.

[14] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. A, see also Economic and Social Council decision 2005/232.

[15] Resolution S-23/2, annex, and resolution S-23/3, annex.

[16] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

Recognizing also that girl children are often at greater risk of being exposed to and encountering various forms of discrimination and violence, which continue to hinder efforts towards the achievement of the Millennium Development Goals, and reaffirming the need to achieve gender equality to ensure a just and equitable world for girls, including through partnering with men and boys, as an important strategy for advancing the rights of the girl child,

Recognizing further that progress has been made in the passage of national legislation that affirms the equality of girls and boys and that corresponding measures have not been taken to effectively implement such legislation, and further recognizing the continuing existence of discrimination against girls and women throughout the world and that addressing this situation will require additional efforts to strengthen policy implementation, including through international cooperation,

Recognizing that the empowerment of girls is key in breaking the cycle of discrimination and violence and in promoting and protecting the full and effective enjoyment of their human rights, and further recognizing that empowering girls requires the active support and engagement of their parents, legal guardians, families, boys and men, as well as the wider community,

Deeply concerned about all forms of violence against children, in particular about phenomena that disproportionately affect girls, such as commercial sexual exploitation and child pornography, child and forced marriage, rape and domestic violence, and, in addition, about the corresponding lack of accountability and impunity, which reflect discriminatory norms reinforcing the lower status of girls in society,

Deeply concerned also about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education, and quality thereof, nutrition and physical and mental health care, in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys, and in leaving them more vulnerable than boys to the consequences of unprotected and premature sexual relations and often being subjected to various forms of cultural, social, sexual and economic exploitation and violence, abuse, rape, incest, honour-related crimes and harmful traditional practices, such as female infanticide, child and forced marriages, prenatal sex selection and female genital mutilation,

Deeply concerned further that female genital mutilation violates and impairs the full enjoyment of the human rights of women and girls and that it is an irreparable and irreversible harmful practice that affects between 100 and 140 million women and girls alive today, and that each year over three million girls are at risk of undergoing the harmful procedure,

Deeply concerned that the goal set out in "A world fit for children" of ending female genital mutilation by 2010 will go unmet,

Deeply concerned also that, in situations of poverty, war and armed conflict, girl children are among those most affected and furthermore become the victims of sexual violence, abuse and exploitation and sexually transmitted infections and diseases, including HIV and AIDS, which have a serious impact on the quality of their lives and leave them open to further discrimination, violence and neglect, thus limiting their potential for full development,

Emphasizing that increased access to education, including in the areas of sexual and reproductive health, for young people, especially girls, dramatically lowers their vulnerability to preventable diseases, in particular HIV infection and sexually transmitted diseases,

Concerned by the increasing number of child-headed households, in particular those headed by orphaned girls, including those orphaned by the HIV and AIDS pandemic,

Deeply concerned that early childbearing and limited access to sexual and reproductive health care, including in the area of emergency obstetric care, causes high levels of obstetric fistula and maternal mortality and morbidity,

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and limitation or denial of their human rights,

Recognizing that early childbearing continues to be an impediment to the improvement of the educational and social status of girls in all parts of the world and that, overall, child and forced marriages and early motherhood can severely curtail their educational opportunities and are likely to have a long-term, adverse impact on their employment opportunities and on their, and their children's, quality of life,

Noting with concern that in some areas of the world men outnumber women as a result, in part, of harmful attitudes and practices, such as female genital mutilation, son preference, which results in female infanticide and prenatal sex selection, early marriage, including child marriage, violence against women, sexual exploitation, sexual abuse and discrimination against girls in food allocation and in other practices related to health and well-being, resulting in fewer girls than boys surviving into adulthood,

Taking note with appreciation of the adoption of the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, which is the outcome document of the Third World Congress against the Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro, in November 2008,

1. *Stresses* the need for full and urgent implementation of the rights of the girl child as provided to her under human rights instruments, and urges States to consider signing, ratifying or acceding to the Convention on the Rights of the Child,[1] the Convention on the Elimination of All Forms of Discrimination against Women[2] and the Convention on the Rights of Persons with Disabilities and the Optional Protocols thereto[3] as a matter of priority;

2. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of the International Labour Organization to consider doing so;

3. *Urges* all Governments and the United Nations system to strengthen efforts bilaterally and with international organizations and private sector donors in

order to achieve the goals of the World Education Forum,[16] in particular that of eliminating gender disparities in primary and secondary education by 2005, which have not been fully met, and to implement the United Nations Girls' Education Initiative as a means of reaching this goal, and calls for the implementation of and reaffirms the commitments contained in the Education for All Goals and the United Nations Millennium Development Goals, particularly those related to gender and education;

4. *Calls upon* all States to place enhanced emphasis on quality education for the girl child, including catch-up and literacy education for those who did not receive formal education, to promote access to skills and entrepreneurial training for young women and to tackle male and female stereotypes in order to ensure that young women entering the labour market have opportunities to obtain full and productive employment and decent work;

5. *Calls upon* States and the international community to recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and ensuring school attendance, in particular for girls and children from low-income families;

6. *Stresses* the importance of a substantive assessment of the implementation of the Beijing Platform for Action[10] with a life cycle perspective so as to identify gaps and obstacles in the implementation process and to develop further actions for the achievement of the goals of the Platform for Action;

7. *Calls upon* all States and international and non-governmental organizations, individually and collectively, to implement further the Beijing Platform for Action, in particular the strategic objectives relating to the girl child, and the further actions and initiatives, and to mobilize all necessary resources and support in order to achieve the goals and strategic objectives and actions set out in the Beijing Declaration[9] and Platform for Action;

8. *Calls upon* all States to take measures to address the obstacles that continue to affect the achievement of the goals set forth in the Beijing Platform for Action, as contained in paragraph 33 of the further actions and initiatives to implement the Beijing Declaration and Platform for Action,[17] where appropriate, including the strengthening of national mechanisms to implement policies and programmes for the girl child and, in some cases, to enhance coordination among responsible institutions for the realization of the human rights of girls, as indicated in the further actions and initiatives;

9. *Urges* States to strengthen efforts to urgently eradicate all forms of discrimination against women and girls, and, where applicable, to remain dedicated to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol;[18]

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[17] Resolution S-23/3, annex.

[18] United Nations, *Treaty Series*, vol. 2131, No. 20378.

10. *Also urges* States to fulfil the pledges they made at the Fourth World Conference on Women and the twenty-third special session of the General Assembly to modify or abolish remaining laws that discriminate against women and girls;

11. *Further urges* States to improve the situation of girl children living in poverty, deprived of nutrition, water and sanitation facilities, with limited or no access to basic physical and mental health-care services, shelter, education, participation and protection, taking into account that, while a severe lack of goods and services hurts every human being, it is most threatening and harmful to the girl child, leaving her unable to enjoy her rights, to reach her full potential and to participate as a full member of society;

12. *Urges* States to ensure that the applicable requirements of the International Labour Organization for the employment of girls and boys are respected and effectively enforced and that girls who are employed have equal access to decent work, and equal payment and remuneration, are protected from economic exploitation, discrimination, sexual harassment, violence and abuse in the workplace, are aware of their rights and have access to formal and non-formal education, skills development and vocational training, and further urges States to develop gender-sensitive measures, including national action plans, where appropriate, to eliminate the worst forms of child labour, including commercial sexual exploitation, slavery-like practices, forced and bonded labour, trafficking and hazardous forms of child labour;

13. *Calls upon* States to take all necessary measures to ensure the right of girls to the enjoyment of the highest attainable standard of health, including sexual and reproductive health, and to develop sustainable health systems and social services;

14. *Urges* all States to promote gender equality and equal access to basic social services, such as education, nutrition, birth registration, health care, including sexual and reproductive health, vaccinations and protection from diseases representing the major causes of mortality, and to mainstream a gender perspective in all development policies and programmes, including those relating to children as well as those specific to the girl child;

15. *Calls upon* States to take appropriate measures to address the root factors of child and forced marriages, including by undertaking educational activities to raise awareness regarding the negative aspects of such practices, and to strengthen existing legislation and policies with a view to providing better promotion and protection of the rights of the child, in particular the girl child;

16. *Urges* all States to enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses, in addition, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and raise the minimum age for marriage where necessary and to develop and implement comprehensive policies, plans of action and programmes for the survival, protection, development and advancement of the girl child in order to promote and protect the full enjoyment of her human rights and to ensure equal opportunities for girls, including the inclusion of such plans as an integral part of her total development process;

17. *Calls upon* States with the support of international organizations and civil society, including non-governmental organizations, to generate social support

for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls;

18. *Also calls upon* States with the support of international organizations, civil society and non-governmental organizations, as appropriate, to develop policies and programmes, giving priority to formal and informal education programmes that support girls and enable them to acquire knowledge, develop self-esteem and take responsibility for their own lives, and to place special focus on programmes to educate women and men, especially parents, about the importance of girls' physical and mental health and well-being, including the elimination of discrimination against girls in child and forced marriages;

19. *Urges* all States to enact and enforce legislation to protect girls from all forms of violence and exploitation, including female infanticide and prenatal sex selection, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, trafficking and forced migration, forced labour, forced marriage, as well as marriage under legal age and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence and discrimination;

20. *Urges* States to complement punitive measures with educational activities designed to promote a process of consensus towards the abandonment of harmful practices such as female genital mutilation and to provide appropriate services for those affected by the practice;

21. *Calls upon* all States to enact and enforce necessary legislative or other measures in cooperation with relevant stakeholders to prevent the distribution over the Internet of child pornography, including depictions of child sexual abuse, ensuring that adequate mechanisms are in place to enable reporting and removal of this material and that its creators, distributors and collectors are prosecuted as appropriate;

22. *Urges* States to formulate comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to eliminate all forms of discrimination and violence against women and girls, which should be widely disseminated and should provide targets and timetables for implementation, as well as effective domestic enforcement procedures through the establishment of monitoring mechanisms involving all parties concerned, including consultations with women's organizations, giving attention to the recommendations relating to the girl child of the Special Rapporteurs of the Human Rights Council on violence against women, its causes and consequences, and on trafficking in persons, especially women and children, of the Secretary-General in his in-depth study on all forms of violence against women[19] and of the independent expert in his study on violence against children;[20]

23. *Also urges* States to ensure that the right of children to express themselves and participate in all matters affecting them, in accordance with their age and maturity, is fully and equally enjoyed by girls;

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[19] A/61/122/Add.1 and Corr.1.

[20] A/61/299 and A/62/209.

24. *Further urges* States to involve girls, including girls with special needs, and their representative organizations, in decision-making processes, as appropriate, and to include them as full and active partners in identifying their own needs and in developing, planning, implementing and assessing policies and programmes to meet those needs;

25. *Recognizes* that a considerable number of girl children are particularly vulnerable, including orphans, children living on the street, internally displaced and refugee children, children affected by trafficking and sexual and economic exploitation, children living with HIV and AIDS, and children who are incarcerated who live without parental support, and therefore urges States, with the support of the international community, where relevant, to take appropriate measures to address the needs of such children by implementing national policies and strategies to build and strengthen governmental, community and family capacities to provide a supportive environment for such children, including by providing appropriate counselling and psychosocial support, and ensuring their enrolment in school and access to shelter, good nutrition and health and social services on an equal basis with other children;

26. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, in particular girls, considering, inter alia, views, skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

27. *Urges* all States and the international community to respect, promote and protect the rights of the girl child, taking into account the particular vulnerabilities of the girl child in pre-conflict, conflict, and post-conflict situations, and further urges States to take special measures for the protection of girls, in particular to protect them from sexually transmitted infections, including HIV infection, gender-based violence, including rape, sexual abuse and sexual exploitation, torture, abduction and forced labour, paying special attention to refugee and displaced girls, and to take into account their special needs in the delivery of humanitarian assistance and disarmament, demobilization, rehabilitation assistance and reintegration processes;

28. *Deplores* all cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crises, including those cases involving humanitarian workers and peacekeepers, and urges States to take effective measures to address gender-based violence in humanitarian emergencies and to make all possible efforts to ensure that their laws and institutions are adequate to prevent, promptly investigate and prosecute acts of gender-based violence;

29. *Also deplores* all acts of sexual exploitation, abuse of and trafficking in women and children by military, police and civilian personnel involved in United Nations operations, welcomes the efforts undertaken by United Nations agencies and peacekeeping operations to implement a zero-tolerance policy in this regard, and requests the Secretary-General and personnel-contributing countries to continue to take all appropriate action necessary to combat these abuses by such personnel, including through the full implementation without delay of those measures adopted

in the relevant General Assembly resolutions based on recommendations of the Special Committee on Peacekeeping Operations;[21]

30. *Calls upon* Member States to devise, enforce and strengthen effective child and youth-sensitive measures to combat, eliminate and prosecute all forms of trafficking in women and girls, including for sexual and economic exploitation as part of a comprehensive anti-trafficking strategy within wider efforts to eliminate all forms of violence against women and girls, including through taking effective measures against the criminalization of girls who are victims of exploitation and ensuring that girls who have been exploited receive access to the necessary psychosocial support;

31. *Calls upon* Governments, civil society, including the media, and non-governmental organizations to promote human rights education and full respect for and the enjoyment of the human rights of the girl child, inter alia, through the translation, production and dissemination of age-appropriate and gender-sensitive information material on those rights to all sectors of society, in particular to children;

32. *Requests* the Secretary-General, as Chairman of the United Nations System Chief Executives Board for Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the International Labour Organization, take into account the rights and the particular needs of the girl child in country programmes of cooperation in accordance with national priorities, including through the United Nations Development Assistance Framework;

33. *Requests* all human rights treaty bodies and the human rights mechanisms of the Human Rights Council, including the special procedures, to adopt regularly and systematically a gender perspective in the implementation of their mandates and to include in their reports information on the qualitative analysis of violations of the human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

34. *Requests* States to ensure that, in all policies and programmes designed to provide comprehensive HIV and AIDS prevention, treatment, care and support, particular attention and support is given to the girl child at risk, infected with or affected by HIV, including pregnant girls and young and adolescent mothers, as part of the global effort to scale up significantly towards achieving the goal of universal access to comprehensive prevention, treatment, care and support by 2010;

35. *Invites* States to promote initiatives aimed at reducing the prices of antiretroviral drugs, especially second-line drugs, available to the girl child, including bilateral and private sector initiatives as well as initiatives on a voluntary basis taken by groups of States, including those based on innovative financing mechanisms that contribute to the mobilization of resources for social development,

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[21] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1).

including those that aim to provide further access to drugs at affordable prices to developing countries on a sustainable and predictable basis, and in this regard takes note of the International Drug Purchase Facility, UNITAID;

36. *Calls upon* all States to integrate food and nutritional support with the goal that children, especially girl children, have access at all times to sufficient, safe and nutritious food to meet their dietary needs and food preferences, for an active and healthy life, as part of a comprehensive response to HIV and AIDS and other communicable diseases;

37. *Urges* States and the international community to increase resources at all levels, particularly in the education and health sectors, to enable young people, especially girls, to gain the knowledge, attitudes and skills that they need to prevent HIV infection and early pregnancy and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health;

38. *Stresses* the need to strengthen the commitment of States and the United Nations system in their responsibility to mainstream the promotion and protection of the rights of the child, in particular the girl child, in the development agenda at the national and international level;

39. *Urges* States, the international community, the relevant United Nations entities, civil society and international financial institutions to continue to actively support, through the allocation of increased financial resources, targeted innovative programmes that address ending female genital mutilation and developing and providing education programmes, such as the United Nations Population Fund-United Nations Children's Fund joint programme on accelerating the abandonment of female genital mutilation, and sensitization workshops on the dire consequences of this harmful practice for the health of the girl and to provide for those who perform the harmful procedure training programmes so that they may adopt an alternative profession;

40. *Welcomes* the commitment of ten United Nations agencies in their joint statement of 27 February 2008 to continue working towards the elimination of female genital mutilation, by, inter alia, providing technical and financial assistance, and stresses that a common coordinated approach that promotes positive social change at community, national and international levels could lead to female genital mutilation being abandoned within a generation, with some of the main achievements obtained by 2015, in line with the Millennium Development Goals;

41. *Calls upon* States to strengthen the capacity of national health systems, and in this regard calls upon the international community to assist national efforts, including by allocation of adequate resources in order to provide essential services needed to prevent obstetric fistula and to treat those cases that occur by providing the continuum of services, including family planning, prenatal and post-natal care, skilled birth attendance, emergency obstetric care and post-partum care, to adolescent girls, including those living in poverty and in underserved rural areas where obstetric fistula is most common;

42. *Calls upon* States and the international community to create an environment in which the well-being of the girl child is ensured, inter alia, by cooperating, supporting and participating in global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all levels, in order to ensure that

all the internationally agreed development and poverty eradication goals, including those set out in the Millennium Declaration, are realized within their time framework, and reaffirming that investments in children, particularly girls, and the realization of their rights, are among the most effective ways to eradicate poverty;

43. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-sixth session on the implementation of the present resolution, including an emphasis on ending child and forced marriages, using information provided by Member States, the organizations and bodies of the United Nations system and non-governmental organizations, with a view to assessing the impact of the present resolution on the well-being of the girl child.

Draft resolution II
Rights of the child

The General Assembly,

Reaffirming all its previous resolutions on the rights of the child, the most recent of which is resolution 63/241 of 24 December 2008, in their entirety,

Emphasizing that the Convention on the Rights of the Child[1] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention,[2] as well as other human rights instruments,

Reaffirming that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents,

Reaffirming also the Vienna Declaration and Programme of Action,[3] the United Nations Millennium Declaration[4] and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[5] and recalling the Copenhagen Declaration on Social Development and the Programme of Action,[6] the Dakar Framework for Action adopted at the World Education Forum,[7] the Declaration on Social Progress and Development,[8] the Universal Declaration on the Eradication of Hunger and Malnutrition,[9] the Declaration on the Right to Development[10] and the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held in New York from 11 to 13 December 2007,[11]

Taking note with appreciation of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly[12] and on the status of the Convention on the Rights of the Child and the issues addressed in Assembly resolution 63/241,[13] as well as the report of the Special Representative of the Secretary-General for Children and Armed Conflict,[14] whose recommendations should be carefully studied, taking fully into account the views of Member States,

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[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[2] Ibid., vols. 2171 and 2173, No. 27531.
[3] A/CONF.157/24 (Part I), chap. III.
[4] See resolution 55/2.
[5] Resolution S-27/2, annex.
[6] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.
[7] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).
[8] See resolution 2542 (XXIV).
[9] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.
[10] Resolution 41/128, annex.
[11] See resolution 62/88.
[12] A/64/285.
[13] A/64/172
[14] A/64/254.

and taking note of the report of the Secretary-General on children and armed conflict,[15]

Acknowledging the important role played by national governmental structures for children, including, where existing, ministries and institutions in charge of child, family and youth issues and independent ombudspersons for children or other national institutions for the promotion and protection of the rights of the child,

Taking note with appreciation of the work to promote and protect the rights of the child carried out by all relevant organs, bodies, entities and organizations of the United Nations system, within their respective mandates, and relevant mandate holders and special procedures of the United Nations, as well as relevant regional organizations where appropriate, and intergovernmental organizations, and recognizing the valuable role of civil society, including non-governmental organizations,

Profoundly concerned that the situation of children in many parts of the world has been negatively impacted by the world financial and economic crisis, and reaffirming that eradicating poverty continues to be the greatest global challenge facing the world today, recognizing its impact beyond the socio-economic context,

Profoundly concerned also that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, trafficking in children and their organs, all forms of exploitation, commercial sexual exploitation of children, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

I
Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Commemorates* the twentieth anniversary of the adoption of the Convention on the Rights of the Child[1] and the fiftieth anniversary of the adoption of the Declaration of the Rights of the Child,[16] which provided a foundation for the Convention, and takes this opportunity to call for the effective implementation of the Convention by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms;

2. *Reaffirms* paragraphs 1 to 8 of its resolution 63/241, and urges States that have not yet done so to become parties to the Convention on the Rights of the Child and the Optional Protocols thereto[2] as a matter of priority and to implement them fully;

3. *Calls upon* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and

[15] A/63/785-S/2009/158 and Corr.1.

[16] See resolution 1386 (XIV).

to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;[3]

4. *Encourages* States parties, in implementing the provisions of the Convention and the Optional Protocols thereto, to take duly into account the recommendations, observations and general comments of the Committee on the Rights of the Child, including, inter alia, general comment No. 12 (2009), "The right of the child to be heard";[17]

5. *Welcomes* actions of the Committee on the Rights of the Child to monitor the implementation by State parties of the Convention, and notes with appreciation its actions to follow up on its concluding observations and recommendations, and, in this regard, particularly underlines the regional workshops and the participation of the Committee in national-level initiatives;

6. *Recalls* Human Rights Council resolution 10/14 of 26 March 2009, entitled "Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto";[18]

II
Promotion and protection of the rights of the child and non-discrimination against children

Non-discrimination

7. *Reaffirms* paragraphs 9 to 11 of its resolution 63/241, and calls upon States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

Registration, family relations and adoption or other forms of alternative care

8. *Also reaffirms* paragraphs 12 to 16 of its resolution 63/241, and urges all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to protect children in matters relating to registration, family relations and adoption or other forms of alternative care, and, in the cases of international parental or familial child abduction, encourages States to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

9. *Welcomes* the accomplishment of the Guidelines for the Alternative Care of Children and the decision of the Human Rights Council, by its resolution 11/7 of 17 June 2009,[19] to submit them to the General Assembly for action thereon;

Economic and social well-being of children, eradication of poverty, right to education, enjoyment of the highest attainable standard of physical and mental health and right to food

10. *Reaffirms* paragraphs 17 to 26 of General Assembly resolution 63/241, paragraphs 42 to 52 of Assembly resolution 61/146 on the theme of children and poverty, and paragraphs 37 to 42 of Assembly resolution 60/231 on the theme of

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[17] CRC/C/GC/12, 20 July 2009.

[18] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II.A.

[19] Ibid., chap. I.

children infected with and affected by HIV/AIDS, and calls upon all States and the international community to create an environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field and by implementing their previous commitments in the field of poverty eradication, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health, including efforts to address the situation of children living with or affected by HIV/AIDS and to eliminate mother-to-child transmission of HIV, the right to food for all and to an adequate standard of living, including housing and clothing;

11. *Recognizes* the threat to the achievement of the internationally agreed development goals, including the Millennium Development Goals, posed by the global financial and economic crisis, which is connected to multiple, interrelated global crises and challenges, such as the food crisis and continuing food insecurity, volatile energy and commodity prices and climate change, and calls upon States to address, in their response to this crisis, any impact on the full enjoyment of the rights of children;

Elimination of violence against children

12. *Reaffirms* paragraphs 27 to 32 of its resolution 63/241 and paragraphs 47 to 62 of its resolution 62/141 on the theme of elimination of violence against children, condemns all forms of violence against children, and urges all States to implement the measures set out in paragraph 27 of its resolution 63/241;

13. *Welcomes* the appointment of the Special Representative of the Secretary-General on Violence against Children, and encourages all States, requests United Nations entities and agencies and invites regional organizations and civil society, including non-governmental organizations, to cooperate with and provide support, including financial support, to the Special Representative for the effective and independent performance of her mandate, as set out in General Assembly resolution 62/141, and in promoting the further implementation of the recommendations of the United Nations study on violence against children,[20] while promoting and ensuring country ownership and national plans and programmes in this regard, and calls upon States and institutions concerned and, invites the private sector, to provide voluntary contributions for that purpose;

Promoting and protecting the rights of children, including children in particularly difficult situations

14. *Reaffirms* paragraphs 34 to 42 of its resolution 63/241, and calls upon all States to promote and protect all human rights of all children in particularly difficult situations and to implement programmes and measures that provide them with special protection and assistance, including, inter alia, access to health care, education and social services, as well as, where appropriate and feasible, voluntary repatriation, reintegration, family tracing and family reunification, in particular for children who are unaccompanied, and to ensure that the best interests of the child are accorded a primary consideration;

[20] See A/61/299 and A/62/209.

Children alleged to have infringed or recognized as having infringed penal law and children of persons alleged to have infringed or recognized as having infringed penal law

15. *Also reaffirms* paragraphs 43 to 47 of its resolution 63/241, and calls upon all States to respect and protect the rights of children alleged to have infringed or recognized as having infringed penal law, as well as children of persons alleged to have infringed or recognized as having infringed penal law;

Prevention and eradication of the sale of children, child prostitution and child pornography

16. *Further reaffirms* paragraphs 48 to 50 of its resolution 63/241, and calls upon all States to prevent, criminalize, prosecute and punish all forms of sale of children, including for the purposes of transfer of organs of the child for profit, child slavery, commercial sexual exploitation of children, child prostitution and child pornography, with the aim of the eradication of those practices, and the use of the Internet and other information and communications technologies for these purposes, to combat the existence of a market that encourages such criminal practices and take measures to eliminate the demand that fosters them, as well as to address the needs of victims effectively and take effective measures against the criminalization of children who are victims of exploitation;

17. *Welcomes* the World Congress III against the Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro, in November 2008, and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents;

18. *Calls upon* all States to enact and enforce necessary legislative or other measures in cooperation with relevant stakeholders to prevent the distribution over the Internet of child pornography and including depictions of child sexual abuse, ensuring that adequate mechanisms are in place to enable reporting and removal of such material and that its creators, distributors and collectors are prosecuted as appropriate;

Children affected by armed conflict

19. *Reaffirms* paragraphs 51 to 63 of its resolution 63/241, and condemns in the strongest terms all violations and abuses committed against children affected by armed conflict, and in this regard urges all States and other parties to armed conflict that are engaged, in contravention of applicable international law, including humanitarian law, in recruitment and use of children, in patterns of killing and maiming of children and/or rape and other sexual violence against children, as well as in all other violations and abuses against children, to take time-bound and effective measures to end them, and urges all States, United Nations agencies, funds and programmes, other relevant international and regional organizations and civil society to continue to give serious attention to, and to protect and assist child victims of, all violations and abuses committed against children in situations of armed conflict, in accordance with international humanitarian law, including the First to Fourth Geneva Conventions;[21]

[21] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

20. *Also reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict, and notes also the activities undertaken by the Peacebuilding Commission, within its mandate, in areas that promote and contribute to the enjoyment of the rights and welfare of children;

21. *Notes with appreciation* the steps taken regarding Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 and the adoption of Security Council resolution 1882 (2009) on 4 August 2009 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with these resolutions, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, and requests the Secretary-General to ensure that information collected and communicated by the monitoring and reporting mechanism is accurate, objective, reliable and verifiable, and in this regard encourages the work and deployment, as appropriate, of United Nations child protection advisers in peacekeeping operations and political and peacebuilding missions;

Child labour

22. *Reaffirms* paragraphs 64 to 80 of its resolution 63/241, on the theme of child labour,[22] and calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development and to eliminate immediately the worst forms of child labour;

23. *Takes note with appreciation* of the United Nations Educational, Scientific and Cultural Organization *Education for All Global Monitoring Report* of 2009, which emphasizes the need to increase the quality of education as a way to attract and keep children in school as a tool in the prevention and elimination of child labour, and calls upon all States to take fully into account the report of the International Labour Organization entitled "The end of child labour: within reach" and the global action plan endorsed by the Governing Body of the International Labour Organization in 2006 in their national efforts to tackle child labour and to monitor progress towards meeting the target of eliminating the worst forms of child labour by 2016;

III

The right of the child to express his or her views freely in all matters affecting him or her

24. *Recognizes* that the child who is capable of forming his or her own views should be assured the right to express those views freely in all matters affecting him

[22] As defined by the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization.

or her, the views of the child being given due weight in accordance with his or her age and maturity, referred to in the present resolution as "the right to be heard";[23]

25. *Reaffirms* that the general principle of participation forms part of the framework for the interpretation and implementation of all other rights incorporated in the Convention on the Rights of the Child;

26. *Recognizes* that, in the exercise by the child of his or her right to be heard, States shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community, as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the age, maturity and evolving capacities of the child, appropriate direction and guidance;

27. *Reaffirms* the international agreement on the 2015 target date for achieving universal primary education in all countries, emphasizes, in recognizing the impact and interlinkage of poverty and education on the full enjoyment by children of the right to be heard and to participate, that literacy and universal access to free and compulsory primary education of a good quality for all children is a key element in promoting the right of the child to be heard, and encourages international cooperation in this regard, including regional cooperation as well as South-South cooperation;

28. *Recognizes* that the free engagement of children in extracurricular activities, such as cultural, artistic, recreational, leisure, ecological and sports activities at the local and national levels, could develop the ability of children to express their views;

29. *Also recognizes* the key role that can be played by educational institutions and community-based organizations and projects, as well as by different local and national institutions, such as children's organizations and parliaments, in assuring the meaningful participation of children, and in this regard encourages States to ensure the institutionalization of children's participation and encourage the active consultation of children and the consideration of their views in all matters affecting them, in accordance with their age and maturity and evolving capacities;

30. *Further recognizes* the role that can be played by the private sector, including the media, in promoting the participation and active consultation of children in issues affecting them, and stresses the importance of these actors taking into account the best interests of the child;

31. *Expresses deep concern* that, despite the recognition of children as rights holders entitled to be heard on all matters affecting them, children are seldom seriously consulted and involved in such matters owing to a variety of constraints and impediments and that the full implementation of this right in many parts of the world has yet to be fully realized;

32. *Recognizes* that the full enjoyment of the right of the child to be heard and to participate requires adults to adopt an appropriate child-centred attitude, listening to children and respecting their rights and individual points of view;

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[23] As used in the present resolution "the right to be heard" refers to the right laid down in article 12.1 of the Convention on the Rights of the Child.

33. *Calls upon* all States to:

(a) Assure that children are given the opportunity to be heard on all matters affecting them, without discrimination on any grounds, by adopting and/or continuing to implement regulations and arrangements that provide for and encourage, as appropriate, children's participation in all settings, including within the family, in school and in their communities, and that are firmly anchored in laws and institutional codes and that are regularly evaluated with regard to their effectiveness;

(b) Designate, establish or strengthen relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent ombudspersons for children, have mechanisms in place for allowing and promoting the involvement and participation of children in the formulation and implementation of public policies, in particular those designed to meet national children and adolescent goals and targets, and ensure adequate and systematic training in the rights of the child for professional groups working with and for children;

(c) Involve children, as appropriate, in the planning, design, implementation and evaluation of the national plans of action set out in "A world fit for children" that relate to the rights of the child, in recognition of the role of the child as a core stakeholder in the process;

(d) Develop policies and effective mechanisms at the local and national levels to enable children to be heard and participate safely and meaningfully in the monitoring and reporting processes related to the implementation of the Convention on the Rights of the Child;

(e) Provide support to children and adolescents to enable them to form and register their own associations and other child- and adolescent-led initiatives, in conformity with national and international law;

(f) Ensure that funding for child participation is considered in resource allocation and that policies and programmes to facilitate children's participation are institutionalized and fully implemented;

(g) Ensure the equal participation of girls, including adolescents, on the basis of non-discrimination and in partnership with boys, including adolescents, in the development of strategies and implementation of action aimed at achieving gender equality, development, non-violence and peace;

(h) Support the integration, in a systematic manner, of children's participation and their safe and meaningful involvement in United Nations activities and processes that are related to the promotion and protection of the rights of the child;

(i) Support children's participation in initiatives to prevent and respond to violence against children, including in the work of the Special Representative of the Secretary-General on Violence against Children;

(j) Take measures to support the participation of children in the design and implementation of preventive and comprehensive anti-bullying policies;

(k) Address all the root causes impeding children from exercising their right to be heard and to be consulted on matters affecting them; inform children, parents,

guardians, other caregivers and the general public about the rights of the child; and raise awareness of the importance and benefits of child participation in society, including through partnerships with civil society, the private sector and the media while being attentive to their influence on children;

(l) Take appropriate measures to ensure the full realization of the right to education on the basis of equal opportunity for every child, including by providing accessible, free and compulsory primary education directed to the development of the child's personality, talents and abilities to their fullest potential, in recognition of the importance of education to civic engagement by children and to their full enjoyment of the right to be heard and to participate in all matters affecting them;

(m) Develop and implement policies and programmes to promote the creation by public authorities, parents, guardians, other caregivers and other adults working with or for children of a safe and enabling environment based on trust, information-sharing, the capacity to listen and sound guidance that is conducive to the informed and voluntary participation of children, including in decision-making processes;

(n) Take all appropriate measures to promote the active involvement of parents, professionals and relevant authorities in the creation of opportunities for children to exercise their rights to be heard within their everyday activities in all relevant settings, including by providing training in the necessary skills;

(o) Provide support to girls, including adolescents, if needed, to voice their views and for their views to be given due weight, and adopt measures to eliminate gender stereotypes that undermine and place severe limitations on girls in the enjoyment of their right to be heard;

(p) Ensure that child-sensitive procedures are made available to children and their representatives so that children have access to means of facilitating effective remedies for any breaches of any of their rights arising from the Convention on the Rights of the Child through independent advice, advocacy and complaint procedures, including justice mechanisms, and that their views are heard when they are involved or their interests are concerned in judicial or administrative procedures in a manner consistent with the procedural rules of national law;

(q) Ensure that, while taking the necessary measures to prevent and punish the wrongful removal of children who are subjected to enforced disappearance, of children whose father, mother or legal guardian is subjected to enforced disappearance or of children born during the captivity of a mother subjected to enforced disappearance, in accordance with legal procedures and applicable international agreements, the right of the child to be heard is respected and that the best interests of the child shall be a primary consideration;

(r) Encourage and enable children affected by natural and man-made disasters and complex emergencies, in particular adolescents, to participate in analysing their situations and future prospects in crisis, post-crisis and transition processes, while ensuring that such participation is in accordance with their age, maturity and evolving capacities and is consistent with the best interests of the child and recognizing that appropriate care needs to be taken to protect children from exposure to situations that are likely to be traumatic or harmful;

(s) Take measures to ensure the enjoyment of the right to be heard by children belonging to minorities and/or vulnerable groups, including migrant children and indigenous children within their cultural values or ethnic identities;

(t) Adopt measures, including providing or promoting the use of accessible means, modes and formats of communication, to facilitate the enjoyment of the right to be heard by children with disabilities;

IV
Follow-up

34. *Decides* to:

(a) Request the Secretary-General to submit to the General Assembly at its sixty-fifth session a comprehensive report on the rights of the child containing information on the status of the Convention on the Rights of the Child and the issues addressed in the present resolution, with a focus on implementing child rights in early childhood;

(b) Request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in discharging her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda;

(c) Request the Special Representative of the Secretary-General on Violence against Children to submit annual reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

(d) Request the Special Rapporteur on the sale of children, child prostitution and child pornography to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

(e) Invite the Chairperson of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-fifth session as a way to enhance communication between the Assembly and the Committee;

(f) Invite all Member States, organizations of the United Nations system, non-governmental organizations and individuals to observe the twentieth anniversary of the adoption of the Convention on the Rights of the Child;

(g) Continue its consideration of the question at its sixty-fifth session under the item entitled "Promotion and protection of the rights of children", focusing section III of the resolution on the rights of the child on implementing child rights in early childhood.

20. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with the promotion and protection of the rights of children

The General Assembly decides to take note of the following reports submitted under the item entitled "Promotion and protection of the rights of children":

(a) Report of the Secretary-General on the girl child;[1]

(b) Note by the Secretariat on the appointment of the Special Representative of the Secretary-General on Violence against Children.[2]

[1] A/64/315.

[2] A/64/182-E/2009/110.

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General Assembly

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Sixty-fourth session
Agenda item 65

Promotion and protection of the rights of children

Report of the Third Committee

Rapporteur: Ms. Nicola **Hill** (New Zealand)

Corrigendum

1. **Paragraph 14**

After the Philippines *insert* San Marino

2. **Paragraph 15**

After the Comoros *insert* Equatorial Guinea

09-64977 (E) 151209

Please recycle

United Nations A/64/436

General Assembly

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Sixty-fourth session
Agenda item 66

Indigenous issues

Report of the Third Committee

Rapporteur: Ms. Nicola **Hill** (New Zealand)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session the item entitled:

"Indigenous issues:

"(a) Indigenous issues;

"(b) Second International Decade of the World's Indigenous People"

and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 18th, 19th and 47th meetings, on 19 October and 24 November 2009. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/64/SR.18, 19 and 47).

3. For its consideration of the item, the Committee had before it the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/64/338).

4. At the 18th meeting, on 19 October, the Under-Secretary-General for Economic and Social Affairs made an introductory statement (see A/C.3/64/SR.18).

5. At the same meeting, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people made a presentation and engaged in a dialogue with the representatives of Sweden (on behalf of the European Union), Iran (Islamic Republic of), Venezuela (Bolivarian Republic of), Malaysia, Bolivia (Plurinational State of), Australia, Norway (on behalf of the Nordic countries), Canada, Guatemala, Chile, the Russian Federation and Colombia (see A/C.3/64/SR.18).

09-61867 (E) 021209

Please recycle

II. Consideration of a draft decision proposed by the Chairperson

6. At its 47th meeting, on 24 November, on the proposal of the Chairperson, the Committee decided to recommend to the General Assembly that it take note of the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/64/338) (see para. 7).

III. Recommendation of the Third Committee

7. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Situation of human rights and fundamental freedoms of indigenous people

The General Assembly takes note of the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.[1]

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[1] A/64/338.

United Nations A/64/437

General Assembly

Distr.: General
4 December 2009

Original: English

Sixty-fourth session
Agenda item 67

Elimination of racism, racial discrimination, xenophobia and related intolerance

Report of the Third Committee

Rapporteur: Ms. Nicola **Hill** (New Zealand)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session the item entitled:

> "Elimination of racism, racial discrimination, xenophobia and related intolerance:
>
> "(a) Elimination of racism, racial discrimination, xenophobia and related intolerance;
>
> "(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the agenda item jointly with item 68, entitled "Right of peoples to self-determination", at its 36th and 37th meetings, on 2 November 2009, and considered proposals and took action on the item at its 41st, 43rd, 46th and 47th meetings, on 12, 19, 23 and 24 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/64/SR.36, 37, 41, 43, 46 and 47).

3. For its consideration of the item, the Committee had before it the following documents:

09-63570 (E) 091209

Please recycle

Item 67 (a)
Elimination of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General transmitting the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 63/162 (A/64/295)

Item 67 (b)
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/64/309)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/64/271)

Note by the Secretary-General transmitting the report of the Durban Review Conference contained in A/CONF.211/8 (A/64/487)

4. At the 36th meeting, on 2 November, the Deputy High Commissioner for Human Rights made an introductory statement (see A/C.3/64/SR.36).

5. At the same meeting, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made a presentation and engaged in a dialogue with the representatives of Malaysia (on behalf of the Organization of the Islamic Conference), China, Iran (Islamic Republic of), Kenya, Sweden (on behalf of the European Union), Egypt, Cuba, India and Pakistan, as well as with the observer of the Holy See (see A/C.3/64/SR.36).

II. Consideration of proposals

A. Draft resolution A/C.3/64/L.53

6. At the 41st meeting, on 12 November, the representative of the Russian Federation, on behalf of Angola, Belarus, Benin, Cape Verde, Cuba, Ethiopia, Iraq, Kazakhstan, Kyrgyzstan, Myanmar, Nicaragua, the Russian Federation, the Sudan, Tajikistan, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of) and Zimbabwe, introduced a draft resolution entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" (A/C.3/64/L.53). Subsequently, Bolivia (Plurinational State of), Côte d'Ivoire, Eritrea, Nigeria and South Africa joined in sponsoring the draft resolution.

7. At the 43rd meeting, on 19 November, the representative of the Russian Federation made a statement and orally revised the draft resolution as follows:

(a) At the end of the fifth preambular paragraph, the words "as well as similar extremist ideological movements" were added;

(b) In operative paragraph 1, after the words "Reaffirms the", the word "relevant" was added;

(c) In operative paragraph 2, the word "Welcomes" was replaced by the words "Takes note with appreciation of";

(d) In operative paragraph 3, after the words "for her commitment", the words "as outlined in her report to the General Assembly" were deleted;

(e) In operative paragraph 8, after the word "coalition", the word "or" was replaced by the word "and"; and the final clause was revised to read:

"and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the goals and principles of the Organization;"

(f) In operative paragraph 11, after the words "importance of", the words "all forms of" were inserted; and the words "including human rights education" were inserted after the word "education";

(g) A new operative paragraph was inserted after operative paragraph 12, to read:

"Stresses the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support;"

(h) In operative paragraph 19, after the words "to prepare", the words "within existing resources" were deleted;

(i) In operative paragraph 21, the word "Urges" was replaced by the word "Encourages".

8. At the same meeting, the Seychelles and Uganda joined in sponsoring the draft resolution, as orally revised.

9. Also at the 43rd meeting, the Committee was advised that, in view of the oral revisions made to the draft resolution, a statement regarding programme budget implications was no longer required.

10. Also at its 43rd meeting, the Committee adopted draft resolution A/C.3/64/L.53, as orally revised, by a recorded vote of 124 to 1, with 55 abstentions (see para. 26, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica,

Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

United States of America

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Namibia, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland

11. Before the vote, statements were made by the representatives of the United States of America and Sweden (on behalf of the European Union and associated countries); after the vote, the representative of Switzerland made a statement (see A/C.3/64/SR.43).

B. Draft resolution A/C.3/64/L.54 and Rev.1

12. At the 41st meeting, on 12 November, the representative of the Sudan, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/64/L.54). The Russian Federation joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

"*Welcoming* the outcome of the Durban Review Conference convened in Geneva from 20 to 24 April 2009 within the framework of the General Assembly in accordance with its resolution 61/149 of 19 December 2006,

"*Noting* the approaching commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,

"*Noting also* all of the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation,

"*Noting further* Human Rights Council decision 3/103 of 8 December 2006, by which, heeding the decision and instruction of the 2001 World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards,

"*Reiterating* that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

"*Convinced* that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

"*Underlining* the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

"*Alarmed* at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

"*Underlining* the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

"*Welcoming* the continued determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and the intention of the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

"I. Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference

"1. *Expresses its appreciation* for the contributions of non-governmental organizations and civil society to the preparations for the Durban Review Conference that were broad-based, regionally balanced and consistent with the objectives of the Conference;

"2. *Emphasizes* the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action in 2011 and its potential for mobilizing further support for the full implementation of the Declaration and Programme of Action, and invites Member States, the Human Rights Council, other relevant United Nations bodies and international organizations and civil society, including non-governmental organizations, to initiate planning for this commemoration in an appropriate way and in cooperation with the Office of the United Nations High Commissioner for Human Rights;

"3. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

"4. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

"5. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

"6. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;

"7. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

"8. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of

Action, and affirms this trend as a demonstration of commitment to the elimination of all scourges of racism at the national level;

"9. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

"10. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

"11. *Welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

"12. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

"13. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

"14. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, and further reaffirms that the Council shall continue to have a central role in the follow-up to the implementation of the Declaration and Programme of Action within the United Nations system;

"15. *Expresses its appreciation* for the continuing work of the mechanisms mandated to follow up the World Conference, bearing in mind the assessment of the effectiveness of those mechanisms undertaken at the Durban Review Conference;

"16. *Acknowledges* the guidance and leadership role of the Human Rights Council and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action;

"17. *Also acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end

emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will for the successful implementation of the Declaration and Programme of Action;

"18. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

"19. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

"20. *Welcomes*, in this context, the initiative of the Fédération internationale de football association to introduce a visible theme on non-racism in football, and invites the Fédération to continue with this initiative at the 2010 soccer World Cup tournament to be held in South Africa;

"21. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;

"22. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Human Rights Council with all the necessary support and resources in order for it to achieve its objectives in this regard;

"II. General principles

"23. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

"24. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

"25. *Expresses deep concern* at the attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

"26. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism

do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

"27. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

"28. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

"29. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

"30. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

"31. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

"32. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Declaration and Programme of Action, to take all necessary measures to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communication technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all necessary measures to guarantee that right;

"33. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

"34. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

"III. International Convention on the Elimination of All Forms of Racial Discrimination

"35. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world;

"36. *Expresses grave concern* at the fact that universal ratification of the Convention was not attained by 2005 in accordance with commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

"37. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

"38. *Expresses its concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee;

"39. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

"40. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and article 5 of the Convention;

"41. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

"42. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

"IV. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

"43. *Takes note* of the work done by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and welcomes Human Rights Council resolution 7/34 of 28 March

2008, by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

"44. *Also takes note* of the reports of the Special Rapporteur, and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained in his reports;

"45. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

"46. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

"47. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

"48. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

"49. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-fifth session;

"50. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

"51. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

"V. General

"52. *Recommends* that the meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action be scheduled in a manner that allows broad participation and that avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

"53. *Requests* the Secretary-General to submit a report with recommendations on the implementation of the present resolution to the General Assembly at its sixty-fifth session;

"54. *Decides* to remain seized of this important matter at its sixty-fifth session under the item entitled 'Elimination of racism, racial discrimination, xenophobia and related intolerance'."

13. At its 47th meeting, on 24 November, the Committee had before it a revised draft resolution (A/C.3/64/L.54/Rev.1), for which the Secretary read out a statement of programme budget implications (see A/C.3/64/SR.47).

14. Also at the 47th meeting, the representative of Israel requested a vote on the revised draft resolution.

15. Statements before the vote were made by the representatives of the United States of America, Norway (also on behalf of Iceland) and Sweden (on behalf of the European Union) (see A/C.3/64/SR.47).

16. At the same meeting, the Committee adopted draft resolution A/C.3/64/L.54/Rev.1 by a recorded vote of 122 to 13, with 45 abstentions (see para. 26, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Canada, Czech Republic, Denmark, Germany, Israel, Italy, Marshall Islands, Netherlands, Palau, Poland, Romania, United States of America

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Japan, Latvia, Liechtenstein, Lithuania,

Luxembourg, Malta, Monaco, Montenegro, New Zealand, Norway, Papua New Guinea, Portugal, Republic of Korea, Republic of Moldova, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu

C. Draft decision A/C.3/64/L.55

17. At the 41st meeting, on 12 November, the representative of the Sudan, on behalf of the Group of 77 and China, introduced a draft decision entitled "Adoption of the outcome document of the Durban Review Conference" (A/C.3/64/L.55), and orally revised subparagraph (b) by deleting the words "the provisions of" after the words "to endorse".

18. Subsequently, the Russian Federation joined in sponsoring the draft decision, as orally revised.

19. At the 46th meeting, on 23 November, the representative of the Sudan made a statement (on behalf of the Group of 77 and China) and further orally revised the draft decision by replacing subparagraph (c), which had read:

> "Decides also that the implementation of the outcome of the Durban Review Conference shall be undertaken in the same framework and by the same mechanisms as those in the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance"

with the following text:

> "Also decides to implement the outcome of the Durban Review Conference as part of the wider implementation of the Durban Declaration and Programme of Action"

20. Subsequently, Norway joined in sponsoring the draft decision, as further orally revised.

21. Also at the 46th meeting, the representative of Israel made a statement in which she requested a vote on the draft decision (see A/C.3/64/SR.46).

22. At the same meeting, further to procedural questions raised by the representatives of the Russian Federation and the United States of America, to which the Secretary responded, the meeting was suspended.

23. Also at its 46th meeting, the Committee adopted draft decision A/C.3/64/L.55, as further orally revised, by a recorded vote of 163 to 5, with 9 abstentions (see para. 27, draft decision I). The voting was as follows:

In favour:

> Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the

Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Canada, Israel, Netherlands, United States of America

Abstaining:

Czech Republic, Georgia, Germany, Italy, New Zealand, Poland, Republic of Moldova, Romania, Tonga

24. After the vote, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland, Canada, the Netherlands and New Zealand (see A/C.3/64/SR.46).

D. Draft decision proposed by the Chairperson

25. At its 47th meeting, on 24 November, on the proposal of the Chairperson, the Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/64/309) (see para. 27, draft decision II).

III. Recommendations of the Third Committee

The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005[5] and relevant Human Rights Council resolutions, in particular resolution 7/34 of 28 March 2008,[6] as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007 and 63/162 of 18 December 2008 on this issue and resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007 and 63/242 of 24 December 2008 entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized, inter alia, the SS organization and all its integral parts, including the Waffen SS, as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[7] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference of 24 April 2009,[8] in particular paragraphs 11 and 54,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 660, No. 9464.

[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[7] See A/CONF.189/12 and Corr.1, chap. I.

[8] A/CONF.211/8, chap. I.

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements,

Recalling that the sixty-fourth session of the General Assembly coincides with the sixty-fifth anniversary of victory in the Second World War,

1. *Reaffirms* the relevant provisions of the Durban Declaration[7] and of the outcome document of the Durban Review Conference,[8] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Takes note with appreciation* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance[9] prepared in accordance with the request contained in General Assembly resolution 63/162;

3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights for her commitment to maintain the fight against racism as one of the priority activities of her Office;

4. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement as participants in national liberation movements;

5. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and urges States in this regard to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[10]

6. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report;

7. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination[3] and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the

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[9] A/64/295.

[10] United Nations, *Treaty Series*, vol. 1125, No. 17512.

International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

8. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and poison the minds of young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the goals and principles of the Organization;

9. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

10. *Emphasizes* the need to take the necessary measures to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

11. *Reaffirms* in this regard the particular importance of all forms of education, including human rights education, as a compliment to legislative measures, as outlined by the Special Rapporteur in his report to the General Assembly;

12. *Emphasizes* the recommendation of the Special Rapporteur regarding the importance of history classes in teaching the dramatic events and human suffering that resulted from the ideologies of Nazism and Fascism, especially in view of the upcoming sixty-fifth anniversary of victory in the Second World War;

13. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support;

14. *Underlines* the potentially positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

15. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are, inter alia, under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

16. *Reaffirms also* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that the dissemination of ideas based on racial superiority, hatred, acts of violence or incitement to such acts shall be declared offences punishable by law, and that these prohibitions are consistent with freedom of opinion and expression;

17. *Underlines* at the same time the positive role that the exercise of the right to freedom of opinion and expression, as well as the full respect for the freedom to seek, receive and impart information, can play in combating racism, racial discrimination, xenophobia and related intolerance;

18. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority;

19. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

20. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-fifth session and to the Human Rights Council, reports on the implementation of the present resolution based on the views collected in accordance with the request of the Commission on Human Rights, as recalled by the Assembly in paragraph 18 above;

21. *Expresses its appreciation* to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his report to the General Assembly;

22. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 19 above;

23. *Decides* to remain seized of the issue.

Draft resolution II
Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Welcoming the outcome of the Durban Review Conference convened in Geneva from 20 to 24 April 2009 within the framework of the General Assembly in accordance with its resolution 61/149 of 19 December 2006,

Noting the approaching commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,[1]

Recalling all of the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation to ensure the successful implementation of the Durban Declaration and Programme of Action,

Noting Human Rights Council decision 3/103 of 8 December 2006,[2] by which, heeding the decision and instruction of the 2001 World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards,

Bearing in mind the responsibility and obligations of the Human Rights Council emanating from the outcome of the Durban Review Conference,[3]

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial

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[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

[3] See A/CONF.211/8.

discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the continued commitment of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

I
Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference

1. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

2. *Expresses its satisfaction* that the Durban Review Conference and its Preparatory Committee provided for the active participation of Member States and Observers of the United Nations, United Nations specialized agencies, United Nations funds and programmes, various intergovernmental organizations as well as the major groups representing all regions of the world, at the highest level, and notes the contributions of non-governmental organizations in the preparation of the Durban Review Conference, which were broad-based, regionally balanced and consistent with the objectives of the conference;

3. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome of the Durban Review Conference and, in this regard, welcomes the steps taken by numerous Governments;

4. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

5. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

6. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

7. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;[4]

8. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action;

9. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

10. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;[5]

11. *Acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

12. *Also acknowledges* that the outcomes of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference are on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

13. *Recalls* that 2011 will mark the tenth anniversary of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and decides to call for a one-day plenary event to commemorate the ten-year anniversary of the World Conference during the high-level segment of the

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[4] United Nations, *Treaty Series*, vol. 2220, No. 39481.

[5] Resolution 61/295, annex.

General Assembly to be devoted to the elimination of racism, racial discrimination, xenophobia and related intolerance during its sixty-sixth session, in 2011, the modalities of which will be finalized during the sixty-fifth session;

14. *Welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

15. *Expresses its appreciation* for the continuing work of the mechanisms mandated to follow up the World Conference;

16. *Decides* that the implementation of the outcome of the Durban Review Conference shall be undertaken in the same framework and by the same mechanisms as the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

17. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will for the successful implementation of the Declaration and Programme of Action;

18. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

19. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

20. *Welcomes*, in this context, the initiative of the Fédération internationale de football association to introduce a visible theme on non-racism in football, and invites the Fédération to continue with this initiative at the 2010 World Cup soccer tournament to be held in South Africa;

21. *Acknowledges* the guidance and leadership role of the Human Rights Council and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action and the outcome of the Durban Review Conference;

22. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the necessary support in order for it to achieve its objectives in this regard;

II
General principles

23. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

24. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

25. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges vigorously with a view to preventing their practice and protecting victims;

26. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

27. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

28. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

29. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

30. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

31. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

32. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Declaration and Programme of Action,[1] to take all necessary measures to combat incitement to violence motivated by racial hatred,

including through the misuse of print, audio-visual and electronic media and new communication technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all necessary measures to guarantee that right;

33. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

34. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

III
International Convention on the Elimination of All Forms of Racial Discrimination

35. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[6] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

36. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

37. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

38. *Expresses its concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

39. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

40. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention,

[6] Ibid., vol. 660, No. 9464.

with due regard to the principles of the Universal Declaration of Human Rights[7] and article 5 of the Convention;

41. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

42. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

IV

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

43. *Takes note* of the work done by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and welcomes Human Rights Council resolution 7/34 of 28 March 2008,[8] by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

44. *Also takes note* of the reports of the Special Rapporteur,[9] and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained in his reports;

45. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

46. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

47. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

48. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

49. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently,

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[7] Resolution 217 A (III).

[8] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[9] See A/64/271 and A/64/295.

effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-fifth session;

50. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

51. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V
General

52. *Recommends* that the meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action be scheduled in a manner that allows broad participation and that avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

53. *Requests* the Secretary-General to submit a report with recommendations on the implementation of the present resolution to the General Assembly at its sixty-fifth session;

54. *Decides* to remain seized of this important matter at its sixty-fifth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

27. The Third Committee also recommends to the General Assembly the adoption of the following draft decisions:

Draft decision I
Adoption of the outcome document of the Durban Review Conference

The General Assembly, welcoming the outcome document of the Durban Review Conference[1] convened in Geneva from 20 to 24 April 2009 within the framework of the General Assembly in accordance with its resolution 61/149 of 19 December 2006,

(a) Decides to endorse the outcome document of the Conference;

(b) Also decides to implement the outcome of the Durban Review Conference as part of the wider implementation of the Durban Declaration and Programme of Action.[2]

[1] See A/CONF.211/8.

[2] See A/CONF.189/12 and Corr.1, chap. I.

Draft decision II
Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly takes note of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.[1]

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[1] A/64/309.

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Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Ms. Nicola **Hill** (New Zealand)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the agenda item jointly with item 67, entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", at its 36th and 37th meetings, on 2 November 2009, and considered proposals and took action on item 68 at its 40th, 41st and 43rd meetings, on 10, 12 and 19 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/64/SR.36, 37, 40, 41 and 43).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the right of peoples to self-determination (A/64/360) and a note by the Secretary-General transmitting the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/64/311).

4. At the 36th meeting, on 2 November, the Deputy United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/64/SR.36).

5. At the same meeting, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made a presentation and engaged in a dialogue with the representatives of Malaysia (on behalf of the Organization of the Islamic Conference), China, Iran (Islamic Republic of), Kenya, Sweden (on behalf of the European Union), Egypt, Cuba, India and Pakistan and the observer for the Holy See (see A/C.3/64/SR.36).

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6. Also at the 36th meeting, the Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a presentation and engaged in a dialogue with the representatives of Cuba and Switzerland (see A/C.3/64/SR.36).

II. Consideration of proposals

A. Draft resolution A/C.3/64/L.51

7. At the 40th meeting, on 10 November, the representative of Pakistan, on behalf of Albania, Algeria, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Benin, Brunei Darussalam, Cameroon, China, the Comoros, the Congo, Egypt, Eritrea, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Malaysia, Mali, Namibia, the Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, South Africa, Thailand and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/64/L.51). Subsequently, Bolivia (Plurinational State of), Burkina Faso, the Central African Republic, Côte d'Ivoire, Dominica, El Salvador, Ghana, Grenada, Guinea, Kenya, Liberia, the Libyan Arab Jamahiriya, Seychelles, Sierra Leone, Somalia, the Sudan, Timor-Leste, Togo, Uganda, Venezuela (Bolivarian Republic of) and Zimbabwe joined in sponsoring the draft resolution.

8. At its 41st meeting, on 12 November, the Committee adopted draft resolution A/C.3/64/L.51 without a vote (see para. 19, draft resolution I).

9. At the same meeting, the representative of Pakistan made a statement; before the adoption of the draft resolution statements were made by the representatives of Sweden (on behalf of the States Members of the United Nations that are members of the European Union and those countries that had aligned themselves with the statement), Argentina and the United States of America after the adoption of the draft resolution (see A/C.3/64/SR.41).

B. Draft resolution A/C.3/64/L.56

10. At the 40th meeting, on 10 November, the representative of Egypt, on behalf of Afghanistan, Albania, Algeria, Andorra, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, the Central African Republic, China, the Comoros, the Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, the Gambia, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Ireland, Italy, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Lebanon, Lesotho, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, the Niger, Nigeria, Oman, Pakistan, Poland, Portugal, Qatar, Rwanda, the Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Somalia, South Africa, Spain, Sri Lanka, the Sudan, Suriname, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia,

Timor-Leste, Tunisia, Turkey, Uganda, the United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe and Palestine, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/64/L.56). Subsequently, Antigua and Barbuda, Austria, Belize, Bulgaria, Burkina Faso, Chad, Croatia, El Salvador, Grenada, Hungary, Iceland, Jamaica, Latvia, Liberia, Lithuania, Montenegro, New Zealand, Norway, the Republic of Moldova, Romania, San Marino, Serbia, Seychelles, Slovakia, Solomon Islands, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uzbekistan joined in sponsoring the draft resolution.

11. At the 41st meeting, on 12 November, the representative of Israel requested a recorded vote on the draft resolution.

12. Also at its 41st meeting, the Committee adopted draft resolution A/C.3/64/L.56 by a recorded vote of 171 to 6, with 5 abstentions (see para. 19, draft resolution II). The voting was as follows:[1]

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland , United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

[1] The delegations of Botswana and Norway subsequently indicated that they had intended to vote in favour of the draft resolution.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Botswana, Cameroon, Canada, Tonga, Vanuatu.

13. Statements were made before the vote by the representatives of the United States of America and Israel; statements were made after the vote by the representatives of Australia, Argentina, Iran (Islamic Republic of) and Micronesia (Federated States of) (see A/C.3/64/SR.41).

C. Draft resolution A/C.3/64/L.57

14. At the 41st meeting, on 12 November, the representative of Cuba, on behalf of Algeria, Angola, Belarus, Benin, Bolivia (Plurinational State of), China, the Comoros, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, the Gambia, Honduras, Iran (Islamic Republic of), Kenya, the Lao People's Democratic Republic, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Myanmar, Namibia, Nicaragua, Nigeria, Pakistan, Peru, the Russian Federation, South Africa, Sri Lanka, the Sudan, Swaziland, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/64/L.57). Subsequently, the Dominican Republic joined in sponsoring the draft resolution.

15. At the 43rd meeting, on 19 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution.

16. At the same meeting, the representative of Cuba orally revised the draft resolution as follows:

(a) The phrase "including the elaboration and presentation of concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities" was added at the end of operative paragraph 13;

(b) Operative paragraph 14 was inserted after operative paragraph 17 and the paragraphs following operative paragraph 13 were renumbered accordingly.

17. Also at its 43rd meeting, the Committee adopted draft resolution A/C.3/64/L.57, as orally revised, by a recorded vote of 122 to 53, with 5 abstentions (see para. 19, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti,

Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Fiji, Saint Kitts and Nevis, Switzerland, Timor-Leste, Tonga.

18. Before the vote, the representative of Sweden made a statement on behalf of the States Members of the United Nations that are members of the European Union and associated States; after the vote, statements were made by the representatives of Chile and Argentina (see A/C.3/64/SR.43).

III. Recommendations of the Third Committee

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 63/163 of 18 December 2008,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination

[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[3] A/64/360.

is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Human Rights Council to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on the question to the General Assembly at its sixty-fifth session under the item entitled "Right of peoples to self-determination".

Draft resolution II
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption of negotiations within the Middle East peace process, based on the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet road map to a permanent two-State solution to the Israeli-

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[1] Resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] Resolution 1514 (XV).

[4] A/CONF.157/24 (Part I), chap. III.

[5] See resolution 50/6.

[6] See resolution 55/2.

[7] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[8] See A/ES-10/273 and Corr.1, advisory opinion, para. 88; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[9] See A/ES-10/273 and Corr.1, advisory opinion, para. 122; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

Palestinian conflict,[10] and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

Recalling its resolution 63/165 of 18 December 2008,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

[10] S/2003/529, annex.

Draft resolution III
Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 63/164 of 18 December 2008, and Human Rights Council resolution 10/11 of 26 March 2009,[1] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2] as well as by the African Union,[3]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[4]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in some developing countries in various parts of the world, including in areas of armed conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

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[1] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[3] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

[4] Resolution 2625 (XXV), annex.

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination,[5] and expresses its appreciation for the work of the experts of the Working Group;

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Calls upon* all States that have not yet done so to consider taking the necessary action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[6]

8. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the

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[5] See A/64/311.

[6] United Nations, *Treaty Series*, vol. 2163, No. 37789.

exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

10. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

11. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

12. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

13. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session,[7] including the elaboration and presentation of concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;

14. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

15. *Expresses its appreciation* to the Office of the High Commissioner for its support for convening the regional governmental consultations in the Russian Federation for States in the Eastern European Group and Central Asia region and in Thailand for States in the Asian region on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

16. *Requests* the Office of the High Commissioner to continue to support the Working Group in the convening of regional governmental consultations on this matter, with the remaining two to be held before the end of 2010, bearing in mind that this process may lead to the holding of a high-level round table of States, under the auspices of the United Nations, to discuss the fundamental question of the role of the State as holder of the monopoly of the use of force, with the objective of facilitating a critical understanding of the responsibilities of the different actors,

[7] See E/CN.4/2004/15, para. 47.

including private military and security companies, in the current context, and their respective obligations for the promotion and protection of human rights and in reaching a common understanding as to which additional regulations and controls are needed at the international level;

17. *Notes with appreciation* the work of the Working Group on its elaboration of concrete principles on the regulation of private companies offering military assistance, consultancy and other military security-related services on the international market, which it carried out after country visits and through the process of regional consultations, and in consultation with academics and intergovernmental and non-governmental organizations;

18. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

20. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-fifth session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

21. *Decides* to consider at its sixty-fifth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".